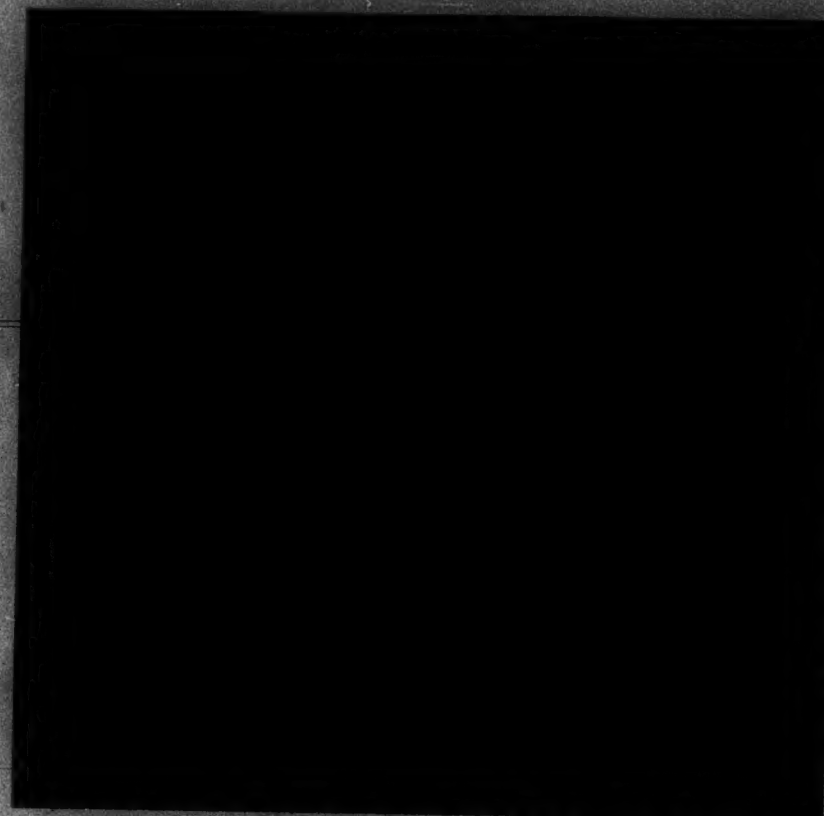
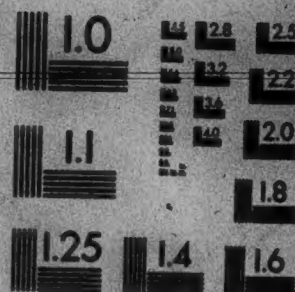
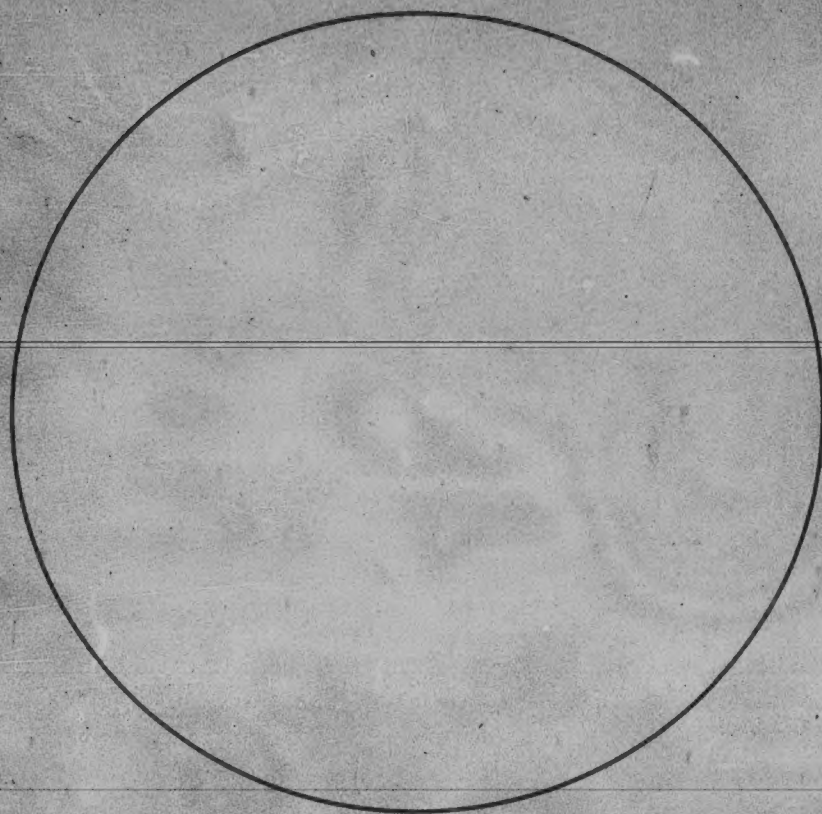
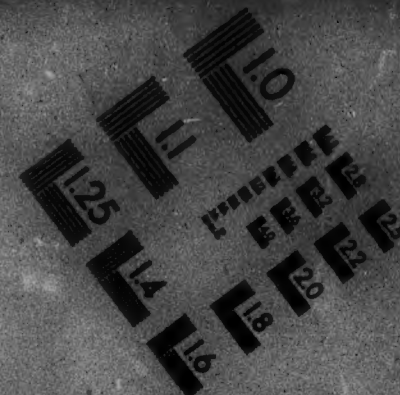
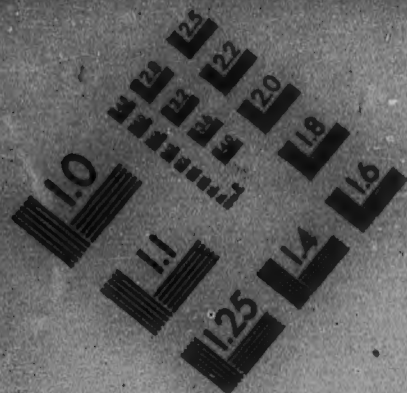
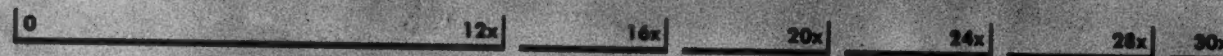


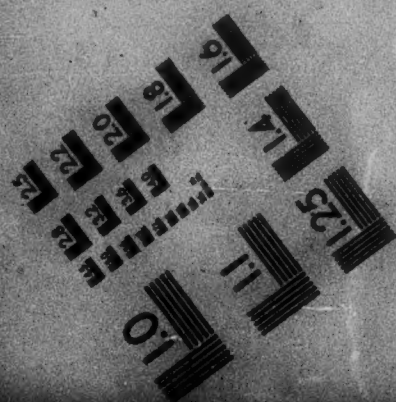
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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 352

CHEROKEE FREEDOM DL - D682

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WASHINGTON: 1983

Cherokee Freedman D 1-626
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EMPTY

Cher Fr D 627

Cher Fr D 627

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., June 7, 1901.

In the matter of the application of Frances Anderson for the enrollment of herself and five grand children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Appearances:

Mr. Smith, ex-officio, of Mellette & Smith, for applicants;
Mr. Davenport, for the Cherokee Nation.

- Q. Give me your full name? A. Frances Anderson.
Q. How old are you? A. 56.
Q. What is your post-office? A. Oakes.
Q. In what district do you live? A. Cowhee now.
Q. Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q. Do you want to apply for anybody besides yourself? A. Yes sir.
Q. Who? A. I have some orphan children, children of my dead sister, two dead sisters.
Q. How many of these children have you got in your charge? A. There is five children that are not grown.
Q. They are not your own children? A. No sir.
Q. Have you any children of your own that you want to apply for? A. No sir.
Q. Have you a husband that you want to apply for? A. No sir.
Q. It is just yourself and these five children? A. Yes sir.

Examined by Attorney Mellette:

- Q. When were you married to Anderson? A. About 10 or 15 years ago.
Mellette: You had better apply for him too.

By Com'r Breckinridge:

- Q. Did your husband when he married you get out a Cherokee License? A. No sir, he got the minister and went to the clerk and the clerk doubted me being a Freedman and he wouldn't give him a license.

Com'r: Hardly worth while for him to apply, as he didn't get a license.

Mr. Mellette: All right.

By Commissioner Breckinridge:

- Q. Your husband is a state man is he? A. Yes sir.
Q. How long have you lived in the Cherokee Nation? A. Nearly Principally all my life.
Q. Were you a slave in the Cherokee nation when the war came on? A. Yes sir.
Q. To whom did you belong? A. Nancy, Wattle and Nancy Adair.
Q. Well they were recognized and well known Cherokee citizens? A. So far as I knew.
Q. Where did they live? A. In Flint district, Cherokee nation.
Q. Where did you go when the war came on? A. Went to Kansas.
Q. What time did you come back from Kansas? A. In '66.
Q. What time in '66? A. Along about September or October, I believe, some where along in the fall.
Q. Where have you lived since that time? A. Part of the time on Grand River and part of the time here in Cowhee now.
Q. How you lived all the time since you came back from Kansas in the Cherokee Nation? A. Yes sir, my home always had been here.
Q. You have been out some though? A. Yes sir.
Q. Where have you lived when you have been out? A. I went to Oklahoma, and then I went to Colorado on some business and then I went to Huron Springs, I went there because I was sick and I couldn't keep myself and I went there for the benefit of the nation.
Q. Is that all? A. Yes sir.

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- Q Have you ever been back to Kansas? A Yes sir.
Q You have been back there since you came in '66? A Yes sir.
Q Give me the name of your father? A My father was Joe Curry.
Q Is he dead? A Yes sir.
Q Was he a Cherokee Freedman? A I think he was, he died when I was little, I don't know nothing about it.
Q Give me the name of your mother? A Polly Adair.
Q Is she dead? A Yes sir.
Q How long has she been dead? A It has been a long time.
Q How many times have you been married? A I have been married twice.
Q Give me the name of your first husband? A Carl Landrum.
Q Is he dead? A Yes sir.
Q Was he a Cherokee Freedman? A Yes sir.
Q When did you marry him? A In '65.
Q When did he die? A I don't know what year.
Q He died more than 20 years ago? A I don't know sir.
Q Well, give me the name of your second husband? A William Anderson.
Q He is alive now? A Yes sir.
Q He is a state man? A Yes sir.
Q When did you marry him? A It has been between 16 and 17 years I guess.
Q Was the first husband dead when you married this husband? A Yes sir.
Q Is there some one here who knows about your being married to them men? A Yes sir.
Q Give me the full names of these children you have got charge of, beginning with the oldest? A (Produces papers)
Q Roxie Minnie Steel? A 19, next child is Mary Steel? A Yes sir.
Q Is she 16? A Yes sir.
Q Next child is Joe? A Yes sir.
Q 15? A Yes sir.
Q Next child is Willie? A Yes sir.
Q He is 10? A Yes sir, she is a girl.
Q Now Myrtle, she is eight years old? A Yes sir.
Q Are these children all living now? A Yes sir.
Q Give me the name of the mother of these children? A Rachel Steel.
Q Was she your full sister? A No sir, half sister, one mother.
Q You had the same mother? A Yes sir.
Q What was her father, a Cherokee Freedman? A Yes sir.
Q Is he alive or dead? A Dead, he was Martin Adair.
Q How long has he been dead? A I don't know sir, been long time.
Q And then you had the same mother? A Yes sir.
Q Now give me the name of the father of these children? A Harry Steel.
Q Is he dead? A No sir.
Q Is he a Cherokee Freedman? A No sir.
Q State man? A Yes sir.
Q What was your name in 1890? A (No reply.)
Q Did you go by the name of Adair when you were a girl? A Yes sir.

1890 authenticated roll of citizens of the Cherokee nation examined and applicant not found.

1890 census roll of citizens of the Cherokee nation examined and applicant not identified.

- Q Did you draw citizenship? A Yes sir.

Kerns-Clifton roll of citizens of the Cherokee nation examined and applicant identified as follows:
page 120 still living, Kansas, Cherokee Nation District.

- Q Was your name listed in the roll of the Kerns-Clifton? A Yes sir.

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Kerne-Clifton pay roll of citizens of the Cherokee nation examined and applicants grandchildren identified on page 137 #3408 Remy Steel, Coowasee District; page 137 #3406 Mary Steel, Coowasee District; page 137 #3407 Joe Steel, Coowasee District; page 137 #3408 Willie Steel, Coowasee District; page 137 #3409 Myrtle Steel, Coowasee District.

Q Now your sister Rachel, who is dead, she is not on the roll of 1890 or 1890 either? A I guess not, she is on the Wallace roll.

1890 authenticated roll of citizens of the Cherokee Nation examined for applicant's sister, Rachel, and not found;

Q Now your husband, Carl Landrum, he died before 1890 didn't he?
Q Yes sir.

1890 authenticated roll of citizens of the Cherokee nation examined for Carl Landrum, and name not found.

Q Do you know why neither you nor your ~~sister~~ dead sister Rachel are not on the roll of 1890? A I couldn't tell you why.

Q How old was your sister Rachel when she died? A I guess she was 37.

Q Did she come back with you from Kansas? A Yes sir.

Q You came back at the same time she did? A Yes sir.

Q How old was she when she came back from Kansas? A I don't know sir.

Q Did your father die before she ~~was~~ ~~born~~ your mother?
A Yes sir.

Q What was Rachel's name before she married? A Rachel Adair.

Q Rachel is a good deal younger than you? A Oh yes sir, she was born before the war.

Q Born after the death of your father? A Yes sir.

Q Rachel was not born before the war? A Yes sir.

Q Then you are mistaken about her-- well, she has been dead some years? A Yes sir.

Q Who came along with you at the time you came back from Kansas?
A Julia and Nancy.

Mr. Hallett: Were they your sisters? A Yes sir.

By One's Breckinridge: Q And your step-father? A Yes sir.

Q And your mother? A Yes sir.

Q Now what was the name of Rachel's father? A Martin Adair.

Q Is he dead? A Yes sir.

Q How long has Martin Adair been dead? A I couldn't tell you.

Q Well, was he a slave in the Cherokee Nation when the war came on? A Yes sir.

Q Was he a slave to? A Nancy Adair and Red Watie.

Q Some people you belonged to? A Yes sir.

BY Attorney Hallett:

Q Your sister, Julia, returned with you and your father and mother in 1865? A Yes sir.

Q Was she a slave? A Yes sir.

Q Who owned her? A Nancy Adair and Watie Adair.

Q Saw her that owned you? A Yes sir.

Q Is she dead? A Yes sir.

Q Has she any living children? A Yes sir.

Q What are their names? A Alice and Martin, Ben, Sam, and Bart.

Q What is this Martin? A Yes sir, Martin Adair.

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- Q She is your sister mint she? A Yes sir.
Q What was her name? A She went by the name of Nancy Adair.
Q You had a sister named Nancy Adair? A Yes sir.
Q And what is her name now? A Nancy Tipps.
Q What named her? A Nanoyand Watt Adair.
Q They were Cherokee Indians? A Yes sir.
Q Has this Nancy Tipps now any children? A No sir.
Q When you came back to the Cherokee Nation in '86 where did you
go what part of the country did you go to? A On Grand River.
Q And you say you have lived in the Cherokee Nation since that
time? A Yes sir.
Q How did your sister, Rachel Steel live in the Cherokee Nation
after that time all the time? A Yes sir.
Q And your sister, Nancy Tipps? A No, not all the time; she went
out working, went out to work some of the time.
Q How long would she stay when she would go out to work? A She
would stay sometimes six months and some times five months.
Q Where was her home all that time? A She lived with Julia some-
times and with my self some times and with her sister Rachel some times.
Q I mean did she call her home the Cherokee Nation? A Yes sir,
called her home in the Cherokee Nation.
Q You know anything about Rachel Steel's marriage to her husband?
A I couldn't tell you much about it.

IT NOW BEING THE HOUR OF NOON, THE COMMISSION ADJOURNS
UNTIL 1 O'CLOCK, P.M.)

AFTERNOON, 1 O'CLOCK.

This case continued, present, as before
noon.

Applicant examined by Cherokee Rep've James Davenport:

- Q Where did you go when the war broke out? A Fort Scott.
Q Where were you living with the war broke out? A On the Jim
Bell place.
Q Where was that? A Near the mouth of Spavinsaw on Grand river.
Q Cherokee Nation? A Yes sir.
Q Who was your owner at that time? A Miss Mary Adair and Dr.
Adair.
Q That was Dr. Watt Adair and wife was it? A Yes sir.
Q You knew where they went during the war? A He left me right
there, I don't know where they went to.
Q When did you come back with to the Cherokee nation? A With my
husband.
Q Who else? A And my step-father.
Q Who was your step-father? A Martin Adair, and Polly Adair, my
mother.
Q Did you come back before or after the Treaty was made? A I
came back in the fall of '86.
Q Was that before or after the Treaty of '86 was made? A I
couldn't tell you that.
Q Had you heard anything about the Treaty before you came or after
you came? A I heard about it before I came, but I don't know
whether it had been made or not.
Q Did they tell you it had been made? A I never heard anyone say.
Q How long did you stay at that time? A I am pretty near 39 now,
you will have to count it.
Q You were nearly 40 were you at that time? A I reckon, I
can't tell sir.
Q When you came back to the Cherokee Nation to what point did you
go? A I went to Little Creek first.
Q How long did you stay there? A I couldn't tell you that.

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was either.

Q That part of it that is in Kansas or that part of it that is in the Cherokee Nation? A In the Cherokee nation.

Q You don't know what locality or settlement you went to? A I think it was near Rock Creek.

Q When you got back there who was living there or you? A No one.

Q Did you see no one when you first stopped? A Yes sir, Uncle Dave French.

Q He was living there? A He was camped there he was living, but he had no house there.

Q Who else did you see, if anyone? A I don't know whether it was the same day or next day that I saw Mr. Webber, I don't remember that. I saw him before I left there.

Q What Mr. Webber? A Sam Webber.

Q Do you remember whether or not you were above or below where Cabin Creek and Rock Creek come together? A I don't remember that either.

Q Where were you from the old Military Road that crossed Cabin Creek there, from Fort Gibson to Fort Scott? A I don't know, that wasn't far.

Q Were you on the east side or the west side of where the military road crosses? A It must have been on the east, I don't remember.

Q You know Rock Creek runs into the Cabin before it gets to where the military road crosses Cabin don't you? A I believe so, I won't be positive.

Q You have been in that country often since the war haven't you?

A Often, yes, well not so often either.

Q You have crossed Cabin Creek where the military Road crosses?

A I guess I have.

Q Didn't you know Rock Creek runs in above that crossing? A I don't remember.

Q You can remember '66 very well? A Well, that's all right.

Q That's all you want to remember, isn't it Aunt Frances? A It is something we should remember, I think.

Q The time you got back there is something you should remember too? A Yes sir.

Q And to what point you came? A Yes sir.

Q What was Webber doing when you saw him? A I think he was going back up North.

Q Where did he come from? A He was here in the Territory.

Q What points in the Territory? A Somewhere on Cabin Creek.

Q Didn't you know that Webber claims to have come back up on Big Creek and not Cabin Creek? A He was there located on Cabin Creek when I saw him.

Q Where was he going? A Going north I think.

Q You don't know whether he had been coming towards here or going away from here? A I guess he must have been going from here.

Q Did he tell you where he was living, and if his family was located? A If he did I have forgotten, I didn't talk to him much. He had quite a little talk, he talked more with the old folks than with me.

Q You don't remember what year that was in, at your own knowledge?

A Everybody said it was '66.

Q Had Abraham Ward come to this country before you went? A I don't know.

Q Didn't you live up there in Kansas right near Abraham Ward? A Yes at that time.

Q Did you know Abraham Ward before you came back to the Cherokee Nation? A Yes sir.

Q Talking to me, when you came? A I never met him.

Q All of you were down there on Rock Creek and you saw Webber.

Q Did you do them, where did you go then? A To Grand River.
 Q What point on the Grand River? A Near the mouth of Spavinsaw on Grand river.
 Q On which side? A I guess it was on the west side.
 Q Where did you cross the Grand river? A It was on this side of the river, I guess.
 Q Is the Jim Bell place on this side of the river? A No sir, it is on the other side, as well as I can remember.
 Q How long did you stay over there? A I don't know sir, stayed there quite a while.
 Q Where were you when the 1890 roll was made? A I was in the Indian Territory.
 Q Did you apply to be enrolled? A No sir.
 Q Your sister Rachel, was she older than you? A Younger.
 Q She was born after you returned from Kansas? A She was born in Flint District, Osage Nation.
 Q Was she born before or after the war? A Before the war.
 Q You had other sisters? A Yes sir.
 Q Did they come back with you? A Yes sir.
 Q How many of them? A Nancy and Rachel and Julia.
 Q Did you have any other of your family? A Mother and father.
 Q Nancy and Julia are the ones that are dead? A Julia is dead, and Rachel is dead.
 Q Isn't Nancy dead too? A No sir.
 Q Where's Nancy? A I just showed you her certificate awhile ago.
 Q You had lived in other places hadn't you other than Kansas since you came back? In this country? A I lived in Ottawa, Kansas.
 Q Did you ever live in Colorado? A No sir.
 Q Never was up there? A I have been there.
 Q How long did you stay there? A About two months, and of course I was living.
 Q What part of Colorado was you? A Colorado Springs.
 Q Did you have your family with you when you was up there? A No sir.
 Q Only stayed two months? A Just about two months.
 Q How long did you live in Kansas after the war? A I stayed there until '05, stayed there until I was married in the year '05, and left there in '05.
 Q You were married in Kansas? A Yes sir.
 Q Your husband a Freedman or a state man? A Freedman.
 Q What was his name? A Carl Landrum.
 Q How long have you lived in Arkansas? A I went to Murals Springs is that in Arkansas?
 Q Yes, sir. A I stayed there nine months.
 Q That all? A That's all.
 Q Have you ever lived in any other place except Murals Springs in Arkansas? A No sir.
 Q How long have you lived in Oklahoma? A I went there with Andy Blackwell's wife, and was nursing her, and stayed two or three months.
 Q You got there about the time A.J. Blackwell located the town of Shawnee, Oklahoma? A It was quite a little town when I was there, I went there time they kept arresting him so much, I went there and stayed with his wife through confinement.
 Q That was about the time their girl was born? A Yes sir.
 Q That was about 1890? A I don't know.
 Q It was in the fall before his girl baby, the only one they have?
 Q How long was he there until the time he was being arrested?
 Q I think it was in the fall of '05 or '06, I think it was in March that I went out there, I think it was in the fall of '05 or '06, I think it was in March that I went out there.

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- Q You didn't stay there but just a little while? A Just with her through confinement.
- Q You think it was March you went there? A I won't be sure.
- Q Was Blackwell at home when you went there? A Yes sir.
- Q You stayed there about two years, didn't you? A No sir, I can prove it by these newspapers of any of them.
- Q Where did you go after you left Oklahoma? A I don't know.
- Q Did you ever live in Texas any? A No sir, I don't know what Texas looks like.
- Q How long did you stay in the Cherokee Nation? A Never was out.
- Q Never lived anywhere but Kansas, Colorado, Arkansas, Oklahoma and Indian Territory? A If Pecos Springs is in Arkansas, I stay at there nine months, and then come back to the territory.

By Attorney Hallett:

- Q You say you went to Pecos Springs for your health? A Yes sir.
- Q You didn't go there to stay? A No sir, I need to go there now, looks like my heart is about to jump out; these men look like they are trying to scare old women to death.

DAVID FRENCH, being sworn and examined by Commissioner Breakinridge, testified as follows:

- Q Give me your name? A David French.
- Q How old are you? A 72.
- Q What is your post-office? A Lenapah.
- Q How long have you lived in the Cherokee Nation? A I come with them from the Old Country, from Tennessee.
- Q Way back before the war? A Yes sir, in the spring of '39 we got into this country.
- Q Were you put of this country a little while during the war?
- Q Not much, I stayed with the soldiers; the war kepted me at Wilson.
- Q Have you lived in this country ever since the war closed? A Yes sir.

Examined by Attorney Hallett:

- Q Are you on the authenticated roll of Freedmen citizens of the Cherokee Nation? A Yes sir.
- Q You know this applicant, Fannie Anderson? A Yes sir.
- Q Did you know her mother, Polly Adair? A Yes sir.
- Q Did you know her step-father, Martin Adair? A Yes sir.
- Q She had a sister named Julia, who married Montgomery? A Yes sir, I knowed them all.
- Q She had another sister, married Steel? A Yes sir, I know her.
- Q There is another sister, Nancy Tipps she is now? A Yes sir, I know her.
- Q Do you know when these people returned to the Cherokee Nation after the war, did you see them? A I saw them.
- Q When did you see them? A It was late in the fall of '36.
- Q Where did you see them? A I saw them on Cabin Creek, they was coming south and I was going north.
- Q Whereabouts on Cabin Creek? A It was not very far from the ford where it crosses Cabin.
- Q What road was that on? A On the Military road, going up to Fort Scott.
- Q It was the Military road leading from the Indian Territory to Kansas? A Yes sir.
- Q You say they was coming south? A Yes sir.
- Q What were you going? A I was going to House Valley.
- Q What kind of people?

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Q After your family? A He and my brother was together, we was going after his people and my mother and father.
Q That was in '88? A Yes sir.
Q Have you known her since that time? A Yes sir.
Q Did you see Julia at that time on Cabin too, Julia Montague?
A Yes sir, I saw them all, her father and her step-father and her and the children.
Q By God's Breckinridge; Do you mean her father and step-father?
A Her step-father and, that is Martin Adair.
Q But you didn't see her own father? A No sir, he was dead.
Q Was her mother the one? A Yes sir.
Q That's what you mean, her mother and step-father? A Yes sir.
Q Mr. Hellette; And Rachel Steel was along? A Yes sir.
Q And the woman called Nancy Tipps now? A Yes sir.
Q Where have these people lived since that time, since you know in what country? A As far as I know they have been living in the Cherokee nation? A Yes sir.

Examined by the Hon. Judge Davenport:

Q Uncle Dave, how far do they live from you now? A I don't know how far it is from here to Gasseneck.
Q You live at Gasseneck? A Yes sir.
Q Where do they live? A On the hill here.
Q Where were you living in '86 when you started back to Wenaso Falls, Kansas? A No place.
Q Hadn't you located? A No sir.
Q Where did you start from when you started back to Kansas? A Started below here on Grand River. It was right after the war, while after the war.
Q Well, you had come back here in '86, to what point had you come? A Pryor's Creek.
Q What part of Pryor's Creek? A It was up there in the settlement, in what is called the Bill Looney settlement.
Q Did you start from the Bill Looney settlement to go back to Kansas? A Yes sir.
Q Where was it you met this woman and her step-father and people?
A It was up on Cabin Creek, I told you.
Q Where was it with reference to the military road? A It was on the military road, I was travelling up the military road.
Q Then as stated by the applicant you didn't see them on Rock Creek did you? A

Mr. Hellette; She said near Rock Creek, she thought.
Q Where did you see her? A I told you.
Q Well, where was it? A Close to Cabin Creek.
Q Which side of Cabin Creek was it on you saw her? A On the south side.
Q How far from Cabin Creek? A I don't know exactly how far.
Q What were they doing when you saw them? A I told you I was camped and they came to me.
Q Who all came to you? A My I left and I went north and they came down south, said they was coming down to the Indian Office.
Q That was in 1902? A Fall of '02.
Q What time of the year was it? A I don't know.
Q What month was it? A I couldn't say.
Q What year was it? A It was along in September or October, I don't say which.
Q You had a good look at that time? A I saw her father and the man, but I don't know what her mother was like, or not.

Q Was you acquainted with him before the war? A Yes sir.

This testimony of David C. Hellette is given under oath.

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Q Now know whether Sam Webber had returned before you met these people? A Sam Webber had returned.
Q Where was he living? A I think he was living stopping on Big Creek.
Q Do you know? A I hadn't been over in there; but he was traveling north too.
Q I want to know if you had seen him up to the time you met these people? A Yes sir.
Q Where did you see him? A Down on the river.
Q And that was in September or October? A I don't know exactly. I couldn't say for certain, it was in the fall of the year.
Q Was it cold or hot weather? A It wasn't so very cold.
Q Was it a little bit cold? A It was a little cold.
Q When did you next see Sam Webber? A I don't recollect.
Q Did you know Abraham Ward at that time? A I don't know.
Q You don't know him now do you? A I know him now.
Q Had you known him up to the time you met these people? A I couldn't tell you.
Q How long did you stay in Kansas when you went back? A Stayed awhile, until I came on back.
Q You don't know how long it was? A I don't know how long it was.
Q You don't know whether it was one year or fifty? A I wasn't watching it particular about it.
Q You remember distinctly when you got back? A I do know I got back two or three times.
Q You don't know how long you stayed up there? A I stayed up there as long as I could get ready to come on back.
Q How many of this woman's family was with them when they come from there? A Her mother and step-father and then a pile of children, and her husband, this woman's husband.
Q She was married then? A Yes sir.
Q You don't know how many children? A I don't know exactly how.
Q You don't know their names? A I didn't know what their names were.

SAM WEBBER, being sworn and examined by Commissioner Bragg, testified as follows:

Q Give your name? A Sam Webber.
Q How old are you? A About 58.
Q What is your post-office? A Nowata.
Q How long have you lived in the Cherokee Nation? A I was born here.
Q Were you out during the war? A Yes sir, got back here in 1865.
Q You have lived here ever since? A Yes sir.
Q Are you on the roll of 1880? A Yes sir.

By Mr. Hollister:

Q Do you know the applicant here, Frances Anderson, or Fannie Anderson? A Yes sir.
Q Did you know her grandfather, Martin Adair? A Yes sir.
Q Did you know her mother, Polly Adair? A Yes sir.
Q She had a sister named Julia, did you know her? A Yes sir.
Q What other sisters do you remember except Julia? A Nancy, then gone by now, and Rachel.
Q Rachel, what was her name when she died? A Rachel Steel.
Q Do you know that these people came back to the Cherokee Nation after the war? A I saw them out there on Indian Creek as they was going back to Illinois.
Q When was that? A It was along in the first part of the fall, latter part of the year, I don't know the date.

Francis Anderson et al 10

Q Where were you going? A We was going to Kansas.
Q Was that after you had moved your family here? A No sir, I was going after them.
Q What road was it on? A On the Military Road leading from Fort Scott to Fort Gibson.
Q And near Cabin Creek? A Yes sir.

By Charles Henry Davenport:

Q Where were you living when you started back to Kansas this time you claim to have met these people? A We left our things up north and brought part of them here to Big Creek; brought our plows and things.
Q From what point did you start from back to Kansas when you met these people? A From here on Big Creek.
Q In the neighborhood of where you now reside? A Yes sir.
Q That's what's now known as the Jim Martin neighborhood? A Yes sir.
Q About 15 or 20 miles northwest of here? A Yes sir.
Q It was early north of here? A Yes sir.
Q You had started to what point in Kansas? A Fort Scott, we went through Fort Scott.
Q You had this woman and her parents on Big Cabin? A Yes sir.
Q What part of Big Cabin was it? A Right at the crossing.
Q At the crossing of what? A Cabin Creek.
Q What is it crosses Cabin Creek there? A The Military Road.
Q The Military road that led from Ft. Gibson to Ft. Scott? A Yes sir.
Q That's about 15 or 16 miles directly north-east of here? A I guess it is.
Q And so low the mouth of where Rock Creek empties into Big Creek? A Yes sir.
Q You started from your home then on Big Creek, and travelled south-east about 35 miles before you started towards Kansas did you? A Always go to the Big road, we didn't know no other way.
Q I will ask you if the Military road to Fort Scott, Kansas, didn't run within 20 miles of your place, and directly east of where you was living when you started? A I guess it was.
Q Then why did you travel more than 35 miles south instead of going east? A Didn't know no other way, that's why.
Q Wasn't there an Osage Trail that ran from Osage Mission to Fort Scott, Kansas? A We didn't go it if there was.
Q Wasn't there Osages living in that locality where you located when you came down there? A They lived up north of us on Snow Creek and Panther Creek.
Q There was Osages up in there? A Yes sir.
Q The traders come in the locality to trade with them? A I guess so, I never saw them.
Q Didn't you see Nelson Merrill in the fall of '84 peddling flour to them? A No, because you testified to that right here? A No sir.
Q You didn't know that Nelson Merrill was up in there? A I know he was up in there, but I didn't know about his peddling flour.

By Sam'l Washington:

Q You say you live about 15 miles north of here? A Yes sir, I guess about that.
Q What kind of country is it, hilly country? A It's level where I live over near the river bed.
Q I am talking about this place where you lived at the time of the war, is it hilly country there? A Yes sir.
Q Was there any road leading from there to the lower part of the

over to the Military road that went to Fort Scott? A We just made a trail leading to the big road and went out west in there hunting horses, and then just followed the trail back to the road again.
Q There was no leading out road except that one you made? A No sir, that was all we had, the trail we made when we went out in that country.

Q They hadn't laid out any roads like they have at the present day? A No sir, none at all, not until now, there's roads now.

Q Is it a pretty even prairie country, could you have gone to without any difficulty in that day? A We didn't know nothing about the country, it was a pretty even country, so as strange country to us.
Q You didn't know what you might have come across? A No sir.

By Charles Repley Davenport:

Q Didn't you cross the Neosho River on the Military road coming to Big Creek to locate when you came back? A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of herself and five children in her charge; the applicant is identified on the Kern-Clifton roll and not upon the roll of 1890 or upon that of 1896; it appears from the testimony that she was a slave of an Cherokee citizen, and lived in the Cherokee Nation at the beginning of the Civil War; she was carried to the State of Kansas, and the testimony indicates that she came back with her mother and step-father and some others enumerated in the testimony in the autumn of '66; since that time she has been to Oklahoma, Colorado, Huron Springs, Arkansas, and to the State of Kansas; but the testimony does not indicate that her visit to any of these places was of a protracted character, or for any permanent purpose; she went to Colorado for a month on account of her health; she made a stay of some nine months at Huron Springs for her health, and her other visits were perhaps of lesser duration and for temporary purposes; it appears from the testimony now given that the omission of the applicant from the roll of 1890 was not through any fault of her status, but for the further consideration of her case, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post-office address.

As for the five children named in the testimony, they are the children of a deceased sister of the applicant; they are all miners, and are living at this time, and they are identified on the Kern-Clifton roll; their mother is shown to have returned to the Cherokee Nation after the war with the applicant; she died after the roll of 1890 was made, but before the Kern-Clifton roll was made; it appears that she lived in the Cherokee Nation from the time of her return from Kansas in '66 until her death; no serious reason is seen at this time to invalidate the right of these children to enrollment, but at present, in as much as the mother was not placed upon the roll of 1890, they will be placed upon a doubtful card, and the final decision of the Commission will be made known, through the applicant, at her post-office address.

In the course of this testimony the case of one Nancy Hunt, formerly Nancy Davis, a sister of the applicant, has been entered into, and as she is stated to be an affiliated person, and may have been applied for by one of the children of her deceased husband, she is living in Oklahoma of the same name, and is shown to have been a member of the Cherokee Nation, and is shown to have been a member of the same.

Frances Anderson et al is

respects the Treaty of 1866 as the applicant, as the rights of the children of the woman Julia will depend upon the status of their deceased mother under the Treaty of 1866, and when these cases are taken up this testimony will be incorporated therein.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 13, 1901.

[Handwritten Signature]

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., February 18, 1902.

In the matter of the application of Manda Manley, et al, for enrollment as Cherokee Freedmen:

Appearances:

Mallette & Smith, Vinita, I. T., for applicants;
James S. Davenport, for the Cherokee Nation:

TESTIMONY IN BEHALF OF THE CHEROKEE NATION.

ELIZABETH DAVIS, being sworn and examined, testified as follows:

Examined by James S. Davenport:

- Q What is your name ? A Elizabeth Davis.
Q Where do you live ? A Fort Scott, Kansas.
Q How long have you lived there ? A I went there in the fall of '63, and have lived there continually ever since.
Q Where had you been living before you went there in '63 ? A In the Territory here.
Q Near what place ? A Between here and the falls on the Arkansas river.
Q Do you mean Webbers Falls ? A Yes sir.
Q You went to Fort Scott, Kansas, in the fall of '63, during the war ? A Yes sir.
Q And have lived there continuously since that time ? A Yes sir.
Q Do you know of a man by the name of Alenase Cullen or Manley, a colored man ? A Yes sir. I knew his step-mother before I went there.
Q After you went there did you get acquainted with him ? A Yes sir. His name was Cullen Manley, and he went by the name of Cullen, and the children went by the name of Cullen.
Q Do you know if he had any children ? A Yes he had two, one named Alenase, and one I can't remember the name.
Q Do you know whether or not Alenase ever married ? A Yes sir he was married there in Fort Scott.
Q Do you know whether or not he had any children ? A He had one boy child they called Joe.
Q When did you first get acquainted with Cullen Manley ? A When I went to Fort Scott in '63. By knowing his wife I got acquainted with him. I had known her before going there.
Q You say you had known his wife before going there ? A Yes sir. She belonged to Peter Hilderbrand.
Q Do you know whether or not that wife is living ? The wife of Cullen.
A No, she died there in Fort Scott.
Q Was she the mother of Alenase ? A No, she was his step-mother. She was the mother of Fred.
Q What was Cullen doing, if you remember ? A He was trading horses for a man by the name of Kirkendal, who kept race horses.
Q That was in '63 or '64 ? A Yes sir, in '64.
Q How long did he live there when you were living in Fort Scott was you learned to know him ? A From that time up until 1870. He didn't leave there earlier than that, and maybe later.
Q Did his family live there with him ? A Yes sir.
Q After his wife that you knew died, did he re-marry ? A No sir, he broke up there pretty soon after she died.
Q Alenase was his son by a former wife ? A Yes sir.
Q Who had belonged to the Hilderbrand's ? A Yes sir.

Q This boy Fred was the son of this woman ?
 A Fred was the son of Harriett.
 Q She died in Fort Scott ? A Yes sir.
 Q When he continued to live there from the time you got acquainted with him until after the death of his wife ?
 A Until after the death of his wife.
 Q Till about what time ? A I think Cullen himself left there in 1870, but Alenxo, I don't think he left there earlier than 1872 or '3.
 Q Did they have a house there ? A Yes sir.
 Q Did they own any property there ? A Yes sir they owned property. In 1872 their property was sold for taxes and a lawyer there named Hewitt bought it in.
 Q How far did they live from where you lived ?
 A Just a block east of where I lived.
 Q You had an opportunity then to see them quite often ?
 A Every day.
 Q And you had known Fred Manley's mother before she went there ?
 A Yes sir.
 Q You had lived here in this country quite a while ?
 A Yes sir, and I knew nearly all the colored people that went from here up there.
 Q You know a great many of the people that still live here ?
 A Yes sir.

Examined by Mr. Smith:

Q Where did you go from to Fort Scott ? A From the Cherokee Nation.
 Q How long had you lived in the Cherokee Nation before you went to Fort Scott ? A I don't know just how long; I had been here 15 years probably.
 Q When did you go to Fort Scott ? A In '63, in the fall of '63.
 Q When did you first know Alenxo Manley ?
 A I knew him in '64.
 Q How old was he at that time ?
 A He was about—he must have been about 18 years old I guess; he was a short chunky boy. He was a boy who was beginning to think himself a young man.
 Q What was his father's name ? A Cullen Manley.
 Q When did you first know Cullen ?
 A About the same time I knew Alenxo.
 Q Didn't know either of them in the Nation ? A No sir. I knew his wife though.
 Q Cullen's wife ? A Not Alenxo's mother, but Cullen's second wife.
 Q What was Alenxo's mother's name ? A I don't know; never knew her.
 Q What was his step-mother's name ? A Harriett.
 Q Now you say that you know one son of Em Alenxo Manley. What was his name ? A They called him Joe. He was a little fellow when I seen him.
 Q Where ? A At his house. I went to see him purposely.
 Q Where ? A At Fort Scott.
 Q What was his mother's name ? A Eliza.
 Q What was her name before he married ? A Whitmire.
 Q Where did he marry her ? A There in Fort Scott.
 Q Was she a colored woman ? A She was a colored woman. A yellow woman; a very pretty woman.
 Q When was the last time you saw her ? A I saw her the last time when that baby was small, it must have been about the first part of '72. Along there.

Q In Fort Scott? A Yes sir.

Q How old was the boy Joe at that time? A He was a young baby. Probably a year old; but I don't hardly think he was that old.

Q Less than a year you would say? A Yes sir. I think he was less than a year old probably when they left there.

Q When you first knew Alonso you say he was about 18. How long from that time was it until he married? A He married '65, I believe. He may have been older than that. I don't know what his age was. He helped his father with the horses.

Q How long did you know him before he married? A I knew him in '64, and he was married, I think, in '65. He was married young. His father was very much against his marrying so young when he married.

Q Did Alonso have any brothers or sisters? A He had this one, this half-brother Freddie.

Q That's all? A That's all I ever saw or heard of.

Q Had no sisters? A I never heard of any.

Q Have you ever resided in the Cherokee Nation since the war? A No sir.

Q Have you ever been an applicant for citizenship in the Cherokee Nation? A No sir, I have no right here at all.

Q Did you ever apply? A No sir.

Q Any of your family? A No sir.

Q Did you ever claim to have? A No sir. My brother was a citizen here in the Cherokee Nation.

Q What was his name? A Hays.

Q Is he a citizen yet? A No, he is dead.

Q His family? A He left no family; his wife died before he did, and they had no children.

Q Where were you living in the year 1866? A I was living in Fort Scott.

Q Where do you say Manley was? A There in Fort Scott trading horses.

Q Did he marry that year? A He was married, I think, in '65.

Q Are you certain about that? A No I aint certain about it. I know that he was married there and stayed there quite a while after he was married. I know he was there in the first part of '70. I am positively sure he was there then.

Q You can't say whether he was in the Cherokee Nation in November, 1866? A Well, he wasn't; he was there in Fort Scott.

Q Who was he working for? A Kirkendal, the same man his father worked for.

Q Who was Kirkendal? A He was a man who owned race horses.

Q Were the streets of Fort Scott numbered at that time? A No sir.

Q Were they designated in any way? A Well, there was Locust street; and Market street; and Main street;

Q Will you tell me exactly where this man lived in November, 1866? A He lived on what they called Plaza, in a house that is torn down and gone now.

Q Who was living in Fort Scott who knew, besides yourself, that this man lived there during 1866? A Well there's Mrs. Anthony, that knows him. A man named Wiley Anderson; Ben Crowl, and several others that know him.

Q Do you know where this man Alonso Manley came from when he came to Fort Scott? A From the Cherokee Nation, with his father and mother.

Q What makes you suppose that? A Because he was a boy living with his father.

Q How do you know where his father came from? A Because he married Harriett there before the war, and bought her from her folks. She said so. That's what she told me herself.

Q Well you didn't know this man Manley at the time the war commenced? A No sir.

Q Do you know his status, whether he was free then ?
A They didn't belong to anybody. Him and Cullen were free, so they said.
Q Where did you live; what part of the Cherokee Nation?
A I lived here between here and Webbers Falls on the Arkansas river.
Q How far from Fort Gibson ? A I lived just above where Spaniard Creek empties into the river.
Q How far is that from Fort Gibson ? A I don't know.
Q Don't you know how many miles ? A No sir I never measured it. I never went up that way, and don't know a thing about it.
Q You haven't any idea how far it was from Fort Gibson ?
A No sir, Never heard anybody say.
Q Where was Alonzo Manley in December, 1866 and January, 1867.
A In 1866 he was there, unless he was away somewhere; his family was there anyway.
Q What composed his family then ?
A His wife is all he had.
Q When was Joe born ? A I don't know; sometime along there in the 60 s, or the first of the 70 s. I don't know exactly when he was born.
Q Don't know what year he was born ? A No sir.
Q You don't know where Alonzo Manley was in the month of December, 1866 ? A No, but he was there I suppose.
Q Just testify as to what you actually know.
A His wife was there. He was there in '69, because he shot his leg there, and was laid up there for quite a while in '69.
Q You can't state then, of your own knowledge, where Alonzo Manley was in January, 1867 ? A No sir, not any special month.
Q Now the mother of this boy Joe; what was her name ?
A Her name was Eliza Whitmire before he married her.
Q You saw him as late as 1872 in Fort Scott ? A Yes sir.
She was there for that long if not longer.
Q Did you ever know Alonzo Manley after the time about which you have spoken ? A No sir. I know he moved to the Territory. At least they said he did.
Q You never saw him yourself ?
A No sir, I have heard of him several times, but never saw him.
Q Well, when were you here; what years ?
A I have been here ever year since '71 nearly. Every two years or every year I would come and visit my brother.
Q Did you never apply for citizenship in the Cherokee Nation ?
A Why no, I had no right to apply for citizenship.
Q Do you know what Alonzo Manley's mother's name was ?
A No sir, I never saw her nor heard tell of her even.
Q You are here testifying in a number of these Freedmen cases are you not ? A No, I know a number of them.
Q How many cases did you testify in yesterday ?
Mr. Davenport: I submit that that doesn't make any difference. I don't object to it, however. Give him the number of cases you testified in Mrs. Davis, if you can.
A Three, I think.

Examined by Mr. Davenport;

Q You have only testified as to what you know in these cases ?
A That's all I aim to do.

The Commission: This testimony will be filed in the case at bar, and also in the case of Joseph Manley, Cherokee Freedman No. D 626.

The authenticated roll of 1890 examined, and the names of applicants not found therein;
The census roll of 1896, similarly examined, and the names of applicants not found therein;

H. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings had in the above entitled cases, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

H. C. Bagwell

Subscribed and sworn to before me this 20 day of February, 1903.

[Signature]
Commissioner.

To be filed with C. P. D-827.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 11, 1902.

In the matter of the application of Frances Anderson for the enrollment of herself and others as Cherokee Freedmen.

SUPPLEMENTAL TO D-827.

Applicant represented by Mellette & Smith, Vinita, I.T.
Cherokee Nation represented by W. W. Hastings.

The Cherokee Nation, by its representative, makes satisfactory proof of service on the said attorneys for applicant, Mellette & Smith, that it would, on the 11th day of April, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of Frances Anderson et al to enrollment as Cherokee Freedmen.

The applicant and her attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

MRS. E. N. WALKER, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A I sign my name Mrs. E. N. Walker, E. N. Walker is my name when I don't put the Mrs.
Q What is your postoffice? A Fort Gibson.
Q How old are you? A I will be 77 my next birthday.
Q You a Cherokee by blood? A Yes, sir.
Q What was your maiden name? A Adair.
Q Do you know a colored woman that formerly belonged to the dairs who now goes by the name of Frances Anderson? A Yes, sir, I knew her from a child, from a baby.
Q Did you know her mother? A Yes, sir.
Q What was her mother's name? A Polly.
Q To whom did Frances and her mother belong when the war came up? A Well, her mother belonged to my mother and Frances belonged to Dr. Adair's wife or Dr. Adair.
Q Your sister? A My sister; when she married mother gave her this girl.
Q She was the property then of your sister at the time the war came up? A Yes, sir.
Q What became of her when the war came up? A Went to Kansas.
Q Did you reside in the Cherokee Nation after the war? A Well, we were in the Cherokee Nation in August 1862.
Q Well, but I mean were you here after the war, '66 and '7 and '8? A Yes, sir, we came back here in '66.
Q You have been living here ever since? A Yes, sir.
Q Well, now, after the war, where did you first see this applicant, if at all, Frances Anderson? A About the year 1880.
Q About the year '80? A Yes, sir, I saw her at the Vinita Fair, as well as I can recollect, about the year '80.
Q Well, it was after the town got big enough to have fairs up there was it? A Yes, sir, I can't tell you whether it was the first fair, but I think it was the first.
Q You saw her there at that time? A Yes, sir.
Q Did you have any talk with her? A Yes, sir.
Q Well, what did she say with reference to her residence? A Well, she hadn't settled yet, and she had come from Kansas, she hadn't been

here very long, she didn't say whether she had come in, when she had come in or anything, she just said she hadn't been here long.

Q Did she make any inquiry about—? A She was inquiring about the folks.

Q About the folks? A Yes, sir.

Q Did you know whether she was married at that time? A Yes, sir.

Q You don't know where she married, do you? A No, sir, I suppose she married in Kansas.

Q She hadn't yet got any home? A No, sir.

Q She hadn't settled down? A No, sir.

Q She didn't say how long she had been here? A No, sir, she said she hadn't been here long, very long.

Q Now that was the first time you had seen her after the war?

A Yes, sir, that was the first time.

Q Did she know where any of the rest of the people were over the Cherokee Nation, or was she making any inquiry from you? A Well, she was inquiring about my mother and the family.

Q Did you ever see her after that? A Yes, sir.

Q Where? A She stayed all night at our house.

Q At your house? A Yes, sir.

Q Talk to her, then, any about her citizenship? A No, sir, but she said she was going on to see Mont.

Q Mont Adams? A Yes, sir.

Q What relation was he to you? A Well, he is my brother.

Q Did she say what she was going to see him about? A She didn't say, she said she was going to see him.

Q That was after you had seen her up at Vinita? A Yes, sir.

Q Well, did she at any time claim to you that she had come back here in '66? A No, sir.

COMMISSION: Now, this Frances Anderson belonged to your sister at the close of the war or at the outbreak of the war? A Yes, sir.

Q Your sister was a recognized citizen of the Cherokee Nation?

A Yes, sir.

Q Do you know whether or not Frances Anderson left the Cherokee Nation when the war came up? A Yes, sir, she went up to Kansas.

Q Did she go up there with your people? A No, sir.

Q She went up there alone? A She went up with her mother and her other relatives, they were on my place there at Parkhill when they all left.

Q Now what time did she go up there, that is what time during the war, do you know; what year was it in? A It was '62.

Q Now from '62 up until 1880 when you met her at the fair at Vinita had you ever seen her? A No, sir.

Q You had never saw her in Fort Gibson? A No, sir.

Q You don't know where she lived of your own knowledge? A No, sir.

Q When you met her there that time did she tell you that she had never been here since the close of the war? A No, sir, she didn't tell me that.

Q Didn't say anything about it? A No, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-68, D-689, and D-900.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he re-

ported the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 13th day of April, 1902.

Philip G. Renteria
Notary Public.

NOTICE!

IN THE MATTER OF the application of Francis Anderson
for enrollment as Cherokee Freedmen:

Case No. F. D. 627

To Francis Anderson or Melletia Smith, attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on May 16, 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this May 17, 1902.

L B Bell

W. W. Hastings
Jesse Dauph

Attorneys for the Cherokee Nation.

NO. FD 5-34

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT, }

I do solemnly swear that I delivered a true copy
of the within notice to.....

on the day of A. D. 190.....

Subscribed and sworn to before me this

Notary Public.

I, the undersigned attorney for the within named
applicant, hereby accept service of the within notice

on this the 15 day of May, 1902
Walter S. Smith
Attorney for Applicant.

I, the undersigned agent for the within named
applicant, hereby accept service of the within notice

on this the day of 190.....

Agent for Applicant.

NOTICE.

In the Matter of the application of Cornelia Martin,
for enrollment as Cherokee citizens:

To Cornelia Martin or Mellette & Smith attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May 16, 1902, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May 13, 1902,

No. F. D. 534

L. B. Bell
W. W. Hastings
Jess Davenport
Attorneys for the Cherokee Nation.

NO. 7D 583

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT,

I do solemnly swear that I delivered a true copy
of the within notice to.....

on the..... day of....., A. D. 190.....

Subscribed and sworn to before me this.....

Notary Public.

I, the undersigned attorney for the within named
applicant, hereby accept service of the within notice

on this the 15 day of May 190.....

Marshall S. Smith
Attorney for Applicant.

I the undersigned agent for the within named
applicant, hereby accept service of the within notice

on this the..... day of..... 190.....

Agent for Applicant.

NOTICE.

In the Matter of the application of Harrison Curry
for enrollment as Cherokee citizens:

To Harrison Curry or Mellette & Smith attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May 16, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May 13, 1902.

No. F. D. 533.

L. B. Bell
W. W. Hastings
Jess. Davis
Attorneys for the Cherokee Nation.

F. D. 532

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of..... A. D. 190....

Given under my hand this.....
day of..... A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

15 day of May, 1902.
Melville Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the.....day of..... A. D. 190....

Subscribed and sworn to before me
this.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of Ostella Martin,
for enrollment as Cherokee Freedmen:

Case No. F. D. 532

To Ostella Martin or Elliott & Smith attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on May 16, 1903, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this May 13, 1903.

L. B. Bell

W. W. Hastings
James D. Brown

Attorneys for the Cherokee Nation.

F. D. 8-28

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

15 day of May, 1902
McLittie & Smith
Attorney for applicant.

UNITED STATES OF AMERICA, } S. S.
INDIAN TERRITORY, }
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to.....

.....
on the day of A. D. 190...

Subscribed and sworn to before me
this

Notary Public.

NOTICE!

IN THE MATTER OF the application of Mary Harris,
for enrollment as Cherokee Freedmen:
Case No. F. D. 500

To the effect of Collette Smith her attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on May 16, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this May 17, 1902.

L B Bell

Wm W. Hastings
Jas. Davenport
Attorneys for the Cherokee Nation.

NO. FD 531

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT, }

I do solemnly swear that I delivered a true copy
of the within notice to.....

on the..... day of....., A. D. 190.....

Subscribed and sworn to before me this.....

Notary Public.

I, the undersigned attorney for the within named
applicant, hereby accept service of the within notice

on this the 15 day of May, 1902
Wesley S. Smith
Attorney for Applicant.

I, the undersigned agent for the within named
applicant, hereby accept service of the within notice

on this the..... day of..... 190.....

Agent for Applicant.

NOTICE.

In the Matter of the application of Joseph Curry.
for enrollment as Cherokee citizens:

To Joseph Curry or Mellette & Smith his attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May 16, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May 13, 1902.

No.

L. B. Bell
M. M. Hastings
Jess Davis
Attorneys for the Cherokee Nation.

NOTICE!

IN THE MATTER OF the application of
for enrollment as Cherokee Freedmen:

Case No. F. D. 483

To

Josh Vann or Mellette Smith
You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.**

May 16, 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this May 15, 1902

L B Bell

N. W. Hastings
Jess Davenport
Attorneys for the Cherokee Nation.

Department of the Interior
Commission to the Five Civilized Tribes,
Tulsa, Okla., May 10, 1902.

In the matter of the enrollment of Mary Harris and others for
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-528.

APPEARANCES:

Willetta A. Smith for applicants.

H. W. Hastings for Cherokee Nation.

HARRY E. KELLEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Harry E. Kelley.

Q What is your postoffice? A Fort Smith.

Q How long have you lived at Fort Smith? A 15 years last January.

Q Where did you move from when you moved to Fort Smith? A Coffey
County, Kansas.

Q What was your postoffice? A Burlington the last few years I lived
there, but I was born at Ottumwa, Kansas, and lived there until I was
about 18 years old.

Q When did you leave Ottumwa, Kansas? A I left Ottumwa in 1880.

Q Did you know a colored man up there by the name of John Curry?

A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q What was her name? A Charlotte.

Q How early is your memory of knowing them? A As early as 1868,
I think as early as 1865.

Q Did you know of them in 1868? A I can't quite fix the year that
they came on my father's farm to live, but I have a distinct recol-
lection of their being there in 1868, when I left on a trip for Ohio,
and was driven to the railroad station about fifty miles away by one
old Martin Bowlin, sometimes called Martin Blair, whom the husband
of John Curry's mother.

Q What was her name? A Polly, they also lived on our farm.

Q Well John lived there at the same time? A John lived there from
1868 until 1872 or '3.

Q Then where did he move? A Then he homesteaded a piece of land
about two miles from our house.

MR. SMITH: I object to the testimony with regard to the home-
steading, not being the best evidence.

COMMISSIONER: Objection will be noted, proceed.

WITNESS: And moved onto that land and lived there until after
Charlotte died.

Q About when did she die, that is his wife? A Yes, his wife, she
died about 1884.

Q Was she buried there or do you know? A Yes, sir, she was buried
there.

Q What became of him afterwards? A I saw him around there for a
year or two afterwards, and then I heard he was dead, I don't know
it personally, anything about his death.

Q Do you know whether this John Curry was ever in trouble up there
prior to 1868? A Yes, sir.

Q When was that? A Killed a man in our county there about 1866.

Q Did John and Charlotte have any children? A Yes, sir.

Q Do you remember any of their names? A Mary and Fannie and Joe and
Harrison, and another one, I can't recall the name of the other one.

Q They were all born there, were they? A No, they wasn't born there,
they had her the first I can recollect.

Q I don't know where she was born? A Don't know where she was
born, but she was born there.

Q Well what was John's mother's name? A Polly.
Q Well what was her mother's name, what was she known by? A Polly
Bowlin, they were commonly called there, sometimes they called them
Adair.

Q Well you say she married a man by the name of Martin Bowlin? A No,
they were married when I came there.

Q Well, lived with a man there by the name of Martin? A Yes, sir
that was her husband then.

Q He went by the name of Martin Bowlin? A Yes, sir, Martin Bowlin.

Q And you knew them in 1887? A Yes, sir, first recollection I have
of Martin and Polly and their family was moving them out of the bottom
time of the flood in '68; they were clearing land for my father and
the overflow came, and he brought them up to the house out of the
flood.

Q Well did Polly, who was the mother of John, have any children that
you know of? A Yes, sir.

Q Besides John I mean? A Yes, sir.

Q Name them? A Well she had one who used to come there occasionally,
named Frances.

Q Yes, sir. And another named Nancy and Nathan and Julia and Rachel.

Q Well do you know who Rachel married? A Married a turkey named
Harry Steele.

Q Do you know who Frances married? A No, sir.

Q Do you know his name at all, I mean his surname? A No, I do not.

Q Do you know who Julia married? A No, I perhaps have heard but I
can't recall now.

Q Well now how long did you continue to know this family up there,
I believe we have traced John Curry and his wife; but I mean John's
mother Polly, and Rachel and the rest of this family that you have
mentioned? A Polly and Martin lived on our place until Polly died.

Q About when? A Polly died between '69 and '71, I remember being
there when I came home from Ohio in the fall of '68.

Q They were there then? A Yes, sir, and she died before I went to
Ohio to school in the fall of '71.

Q So it was between those times? A Between those times. Martin went
away after her death for a time, and came back there, and died on our
farm, and was buried there, and he died about '74.

Q What is your occupation Mr. Kelley? A I am in the real estate and
loan business.

Q In Fort Smith, Arkansas? A Fort Smith, Arkansas, yes, sir.

Q Do you know whether this Polly Bowlin was also known as Polly Adair?
A Yes, sir.

Q You know that she was the mother of John Curry? A Well, she said
she was, and it was generally said she was.

Q Well recognized? A Yes, sir, the recognized mother; they all came
there together.

Q And she's the recognized mother of Frances Anderson and Rachel
Steele? A Well I don't know about Frances Anderson, I know Frances

Q And Rachel? A And Rachel and Julia and Nancy.

MR. SMITH: Mr. Kelley, the Frances you speak of, you don't know
what her name is? A I never knew of her as Frances Anderson, no.

Q Well you speak of her coming there from time to time; do you know
of your own personal knowledge where she lived? A No, sir, I don't,
she just came to visit, these Currys lived right in our back yard or
right close to it, and she came there on visits to her brother and
her half-sister, who lived in our house.

Q And you can't say positively that you know the Currys before '68,
I have no distinct recollection of the Currys before that I can
place before '68.

Q Yes, I although I have understood that they came there all to-
gether, the whole bunch.

Q Well I have to state that because that's what the witness in-
terested and not what he knew.

COMMISSION: Motion will be noted, and the testimony will be considered for all it is worth.

MR. SMITH: But so far as your personal knowledge goes you can't fix them there before '66? A I can't fix the Curry's there before '68 on our place.

Q Well now that was the first personal knowledge of them, was on your place? A No, sir, it wasn't.

Q You spoke of moving somebody up out of the bottom, who was that?

Q Old Martin and his family.

Q Who was Martin with reference to John Curry? A John Curry's mother was old Martin's wife.

Q Then he was John's stepfather? A Yes, sir.

Q Well now you spoke of somebody killing a man, now who was that?

A John Curry.

Q Well was that your personal knowledge or a matter of hearsay?

A Well I didn't see the killing done, I know of his being tried there but it was the first thing of the kind I ever heard, and made quite an impression on me.

Q Can you say when he was tried? A Well it was prior to '68. I can't give you the date, no.

Q Do you know what year it was that he killed the man? A To the best of my recollection was in the ~~spring~~ spring of '65.

Q You say he was indicted and tried? A He was tried, I don't know anything about the indictment.

Q Do you know of your own personal knowledge that he was tried?

A Well I was told around town there.

Q You only heard? A Yes, sir.

Q And now, if the court please, I move to strike the testimony with regard to John Curry's killing a man because it does not appear to be the best evidence.

COMMISSION: Motion will be noted, and the testimony considered for what it may be worth.

Q When was the last you knew of those Curry's? A I knew, I remember when Charlotte died, and considerable of John after she died, as near as I can fix the date she died in '84.

Q 84? A '84.

Q What time did you make your visit to Ohio before you went to school? A In '66.

Q How old were you then? A I was 6 years old, about six years and a half old.

Q Then how long were you in Ohio that time? A Oh, a month or two, short time.

Q Then when did you return there to school? A I went there to school in the fall of '71.

Q How long did you remain? A I stayed there until the fall of '72.

Q When did you leave that part of Kansas? A '87.

MR. HASTINGS: What was your father's name? A Harrison Kelley.

Q Your father used to represent that section of the country up there?

A A member of Congress from that district, if that's what you mean, yes, sir.

Q In what year? A He was elected in '88.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-541, D-533, D-534, D-532, and in D-526, the case at bar.

MR. HASTINGS: The Cherokee Nation asks that this testimony be filed in the case of Frances Anderson D-627, and in the references thereto as follows: D-687, D-689 and D-700.

MR. SMITH: The counsel for Frances Anderson and cases connected therewith and of the same numbers, object to the filing in these cases of the testimony of the witness Harry L. Kelley, for the reason that it does not appear from this testimony that the Frances Anderson named by him is identical with the applicant, Frances Anderson.

MR. HASTINGS: The Cherokee Nation contends that this testimony is relevant, and that the Frances mentioned in witness H.B. Kelley's testimony is identical with Frances Anderson for the reason that the testimony shows that she was a sister of John Curry, and the testimony further shows that her mother's name was Polly Adams, and the testimony further shows that she had a sister by the name of Julia, and the testimony further shows that she had another sister by the name of Rachel Steele, identified by this witness in his testimony; and the applicant Frances Anderson claims to have returned to the Cherokee Nation with her mother Polly and her step-father.

MR. SMITH: The applicant further objects to the introduction of said testimony into this case for the reason that it is incompetent, irrelevant and immaterial, as the testimony of said witness shows that she visited the place mentioned by said witness, and that it was not within his personal knowledge where said Frances lived.

COMMISSION: The objections will be noted and the testimony filed with the case of Frances Anderson and the cases relating thereto as above enumerated.

HARRY B. KELLEY, recalled:

MR. HASTINGS: Mr. Kelley, did you know Rachel Steele after she was married? A Yes, sir.

Q Did you know her husband's name? A Harry Steele.

Q Did they live there near you? A They lived on our place, there right by our house, worked for us.

Q Have any children? A Yes, sir.

Q How long did you continue to know them there? A After the death of Rachel's mother she -- I don't remember her again until she came back there married to Harry Steele. I think she came back about 1875, and they lived there by our house for some five years after that.

MR. SMITH: How is it spelled? A S-T-E-E-L-E.

Q How many children did you say they had? A There was several, I don't recall how many, several children I think of them born there on the place.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of May, 1902.

Arthur G. Croninger.

P. G. Reuter,
Notary Public.

(SEAL)

C. L. Nielenz, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied in full the testimony in the above case, and that the foregoing is a true and complete copy thereof.

C. L. Nielenz

Subscribed and sworn to before me this 16th day of June, 1902.

P. G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, T. T., May 31, 1902

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman.

Applicant appears by Melville A. Smith, Cherokee Nation, by
W. V. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Elias Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 14205, filed in the Mariah Hayden case D 458, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Francis Anderson, D 457,

By W. V. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show that
the applicant was a slave of the Cherokee Nation at the beginning
of the war, nor that he remained within the time specified in the
treaty of 1865, or that he has been a continuous resident of the
Cherokee Nation since that time, or that he is a descendant of
such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who takes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same
is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-
tertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in all
the cases above named with the exception of those which came within
the provisions of the temporary legislation recently granted by
Judge Bill of the United States Court, of the Eastern District
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cants be allowed within three days to file any of the proof of any
or all of the cases other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings.

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cause would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission.

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothberger

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. G. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. G. Bagwell

Subscribed and sworn to before me this July 25, 1902.

P. G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 23, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application for the enrollment of FRANCES ANDERSON, et al., as
Cherokee Freedmen.

Appearances:

W. V. Hastings and L. E. Hall, Attorneys for Cherokee Nation.

FRANCES ANDERSON, being first duly sworn, and being examined,
testified as follows:

BY COMMISSION: What is your name? A Frances Anderson.
Q How old are you? A About fifty-eight, I guess.
Q What is your post office? A Chelsea.
Q Are you the same Frances Anderson who was an applicant for enrollment as a Cherokee Freedman? A Yes sir.
Q Do you know Rachel Steele? A Yes sir.
Q Is she living or dead? A She is dead.
Q How long has she been dead? A Very near ten years, will be in December.
Q Can you name Rachel Steele's children? A Yes sir.
Q Name them? A The oldest one is Fannie, Morning, Glend, Roxie, Mary Joe, Will and Myrtle.
Q What is Fannie's name now? Is she married?
A Yes sir, she is married, but I don't know who she married.
Q What is Morning's name now? A She is a Mary.
Q How is Fannie and Morning and Glend, are they all over 21 years of age? A Yes sir.
Q You made application for the other children, Roxie, Mary Joe, Will and Myrtle? A Yes sir.
Q Is their father dead? A Yes sir.
Q Harry Steele? A No sir, he is living.
Q Is he a non-citizen? A Yes sir.
Q Have these children been living with you in the Cherokee Nation for the past ten years? A Yes sir, within the last two years they have been with their father. They lived with me up until then.
Q They lived with you continuously from the time their mother died about ten years ago until 1901? A Yes sir.
Q They lived in the Cherokee Nation? A Yes sir.
Q Were these children all born in the Cherokee Nation? A Yes sir.
Q Lived there all their lives? A Yes sir.
Q Was Rachel Steele the slave of a Cherokee citizen?
A Yes sir, belonged to the same woman I did.
Q Who did she belong to? A Mrs. Nancy Adair.
Q Was Nancy Adair a Cherokee citizen? A Yes sir.
Q Was Rachel Steele living with her at the commencement of the war?
A Yes sir.
Q Was Rachel Steele taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did she go? A Fort Scott.
Q When did she return? A 1864.
Q What time in '64? A It was sometime along in the fall, I don't know just what time it was, it was in the fall though.
Q Who did she stay with? A She came with my mother and father and the whole family.
Q What is your mother's and father's name? A My mother was named Polly Adair, and father was Mary A. Adair.

Q Who else came back with Rachel Steele at the same time?
A Pelly and Martin, Frances, John, Julia, and Nancy Adair.
Q What relation, if any, is Rachel Steele to you? A Sister.
Q Did anybody else come back with your family in '66, anybody besides your own folks? A Yes sir, there was.
Q Who? A Uncle Lev Martin. His family wasn't along, but he was.
Q Is that Lewis Martin? A Yes sir, I couldn't tell you who all was along.
Q Can you think of anybody else along there at that time?
A I know Uncle Dave French, but they was ahead of us a day or two, and Uncle Sam Webber, and really if I was just to try I couldn't tell you all of them.
Q What part of the Cherokee Nation did you come to at that time?
A On Rock Creek.
Q What District? A It is Delaware, I guess.
Q Who did you find living there at that time?
A Nobody living there.
Q Any colored people living there? A Uncle Dave was living there.
Q Anybody else camped there, any colored people there at that time?
A He was the only one camped right there on Rock Creek where we stopped.
Q What other colored people did you see in that neighborhood?
A I seen nearly all the Lynch's, I guess, colored folks.
Q Which Lynch's? A Oldman Joe Lynch's, colored folks.
Q Did you see Anderson Lynch? A I guess I did.
Q At that time? A I don't remember.
Q Pelly Adair was your mother and Rachel Steele's mother?
A Yes sir.
Q Didn't your mother live in Kansas from '66 to '69? A No sir.
Q Near what place in Kansas were you all living during the war?
A It wasn't far from Fort Scott.
Q How long did you live in Fort Scott then? A He didn't stay there long.
Q Was Rachel Steele born before the war? A Yes sir.
Q About how long before the war was she born? A I don't know, sir, I expect she was between four and five years old.
Q When the war broke out? A Yes sir, as near as I know about it.
Q Did you folks ever live in Kansas after '66? A No sir.
Q Rachel Steele, you say, never lived in Kansas after '66?
A No sir.

MR. HASTINGS: Your mother's name was Pelly Adair, was it?
A Yes sir.
Q Wasn't your father's name John Curry? A No sir, that's my brother.
Q Brother by the name of John Curry? A Yes sir.
Q John died at Ottawa? A No sir.
Q Where did he die? A Died at Wichita.
Q Wichita, Kansas? A Yes sir.
Q What year did he die? A Couldn't tell you.
Q What year is this, auntie? A I don't know, sir.
Q What year was it you appeared before the Kern-Clifton Commission?
A Couldn't tell you that if I was to be lying.
Q You don't know the year? A Yes sir, if anyone tells me, but I couldn't tell you.
Q Your mother, Pelly, died at Ottawa, Kansas? A No sir.
Q Ten four what, do you? A I do, because she didn't.
Q Where did she die? A She died in the bottom, down here on Grand River.
Q Where is she buried? A Buried in the bottom, down here on Grand River.

Q What river? A Near the mouth of Spavinaw and Grand River.
Q On what side of Spavinaw? A I don't know as I could tell that.
It is on this side, I don't know which side.
Q On this side of the river? A On the other side of Grand River,
near the mouth of Spavinaw.
Q Whose place was that down there? A I don't know whether anybody
owned it then at that time only the nation.
Q There wasn't any place there then? A Not in the woods where
we lived.
Q You just lived in the woods? A Yes sir, we did when we first
came back here.
Q How long had you been living down there when your mother died?
A We had branched out. She lived close there, and I was living
further up the river then.
Q How long after the war was it when your mother died?
A I don't know, sir.
Q Your best recollection? A It was somewhere along the time of
the smallpox.
Q Of what did your mother die? A Smallpox.
Q Was your father living then? A Yes sir, he died first.
Q Where did he die? A He died there with the smallpox.
Q At the same place? A Near about it.
Q They didn't have any place down there? A Just had a little patch
Q What became of that little patch? A I guess it grew up.
Q Grew up? A Certainly.
Q Didn't any of you take possession of it? A I didn't. I moved
out from there and left them there.
Q Who owns any field there? A I don't know of anyone. I don't
know as anyone owns any field there.
Q You were there when your mother died, were you? A Yes sir.
Q Who was some neighbors around there? A There was Bean's folks,
they lived aroundus.
Q Which Bean? A Old Uncle Sandy Bean.
Q He is dead? A Yes sir, and her too.
Q Name somebody living neighbor to you at that time? A There is
Tobe Bean and Arthur Bean.
Q They knew that your mother lived there, did they? A Yes sir.
Q Now, what Cherokees lived in that country? A I don't know
any of them, not right there.
Q The smallpox was about '82 or '83, was it? A I don't know
when it was.
Q About how many years after the war was the smallpox?
A Couldn't tell you that.
Q Do you know whether it was one year or 20? A No sir, I don't.
Q You don't know the difference? A No sir.
Q Did you know a young man by the name of Harry E. Kelly?
A No sir.
Q You never saw him up at Ottumwa? A No sir.
Q Didn't your father and mother live on their farm? A No sir.
Q Your mother is buried there at Ottumwa? A No sir, no sir, no
she's not.
Q Why didn't you bring in some witnesses there to prove your
mother died down here in the Cherokee Nation? A I can, just give
me time.
Q When you come down here how did you come? A Come in a wagon.
Q Was it in the spring or summer or fall? A In the fall.
Q What town did you leave? A Fort Scott.
Q Were you ever at Ottumwa in your life? A No sir.
Q Never was there? A No sir.
Q You never saw that town did you, Ottumwa? A I don't know
nothing about Ottumwa.

Q Ever up in Burlington? A Yes sir.

Q You have been there, have you? A Yes sir.

Q When were you there? A Come through there.

Q How long did you stop when you come through there?

A Didn't stop a day, just come through.

Q You come down on Rock Creek, did you? A Yes sir.

Q Who did you work for that winter, what did you do for a living, how did you make a living? A I didn't work for nobody then. My own folks went out to work and brought in what little they did.

Q Who did you live near that winter? A I told you I lived near Uncle Sandy Bean.

Q Winter of '66? A Yes sir.

Q First winter? A Yes sir.

Q You lived on the west side of Grand River you said? Over where Rock Creek was? A On the west side? I don't know which side it is but anyway we lived near the mouth of Spavinaw and Grand River in the bottom.

Q You never had any neighbors at all but Sandy Bean?

A I told you the Lynch's were there.

Q Which one of the Lynch's? A I don't know.

Q Why don't you know? A There was Al Lynch and Crap Lynch.

Q Were you living right there neighbors to them?

A Wasn't living right neighbors to them but they lived there.

Q How long did you live at that same place right there in the bottom? A I don't know how long we did stop there.

Q Did you live there a month? A Stayed there more than a month.

Q Two months? A I reckon so, or more.

Q Where did you go from there, from that place in the bottom?

A Moved up the river further, or down, which ever you might call it right close to Uncle Sandy Bean's.

Q I want to know whether it was up or down? A I don't know.

Q How far did you live from Sandy Bean? A I guess about a quarter of a mile.

Q About a quarter? A I reckon, might have been further, I don't know.

Q How long did you stay there when you moved up there?

A Stayed there until mother died and then I lived right in the house with Uncle Sandy; in Uncle Sandy's house.

Q Why don't you bring some of them witnesses there to testify that? A You didn't tell me to did you?

Q Was Rachel Steele along with you? A Yes sir.

Q Where did she get acquainted with Harry Steele? A Harry come down here in the nation on Grand River.

Q Who married her and Harry? A He can tell you that.

Q I am asking you? A He can tell you about coming down, I don't know who did marry them.

Q Where did Rachel and Harry ever keep house? A On Big Creek.

Q By themselves? A Yes sir.

Q Did they marry on Grand River? A No sir, they didn't. I don't know where he did take her. He took her away from there and then they came back.

Q Your mother and father never owned any place down there except that little cabin you have mentioned? A They never owned anything but a little patch like we all own now. We didn't own that. We tried to take care of it.

Q You never went and tried to take possession of that patch?

A I didn't like it well enough to take possession of it.

Q How far was it from the river? A Not far.

Q Did you ever see any Cherokee citizens at all down in that country? A Once in a while.

Q Do you know of any that lived in five miles of that place at all?

A I don't know their names.

Q You lived there for 20 years and don't know anybody that lives around there except Sandy Bean and he is dead? A I don't know

how long I did live there it might have been 20 years I don't know.

Q Where do you live now? A Ghelsen.

Q How long have you been living there? A I guess I have been living there about 20 years, I reckon.

Q You was out in Colorado awhile? A yess sir.

Q Rachel Steele go out there with you? A No sir.

Q She was up in Kansas at that time? A No sir.

Q She and Harry Steele married in Kansas didn't they? A I fhtye did I don't know it.

Q You don't know where they married? A I told you he come there and got her and carried her off and come back.

Q Where did he get her from? A Off o f Grand River.

Q Where did Harry and Rachel first keep house? A Near old Uncle Peter Hudson.

Q How long ago? A I don't know that either.

Q Has it been five years? A I reckon it has been longer than that.

Q About how long? A I don't know. They was living there before the Wallace Court, I don't know how long that has been.

Q You don't know what year that has been? A I don't know. If you was going to hang me you would have to go on.

Q Did you ever have any place on Grand River yourself? A Yes sir.

Q Where was it? A Further west.

Q What become of it? A Sold it.

Q Who to? A Man by the name of Brown, I think that 's his name.

Q White man, Cherokee or freedman? A Freedman.

Q Don't you know there wasn 't any Cherokee freedmen down there by the name of Brown, you know it wasn't? A I think it was Brown.

Q Did you ever hear of a Cherokee freedman down on Grand river by the name of Brown? A yess sir.

Q Who did he marry? A I don't know who he married.

Q Did he have any family? A Just him and his wife.

Q What's his wife's name? A I don't know.

Q You never saw her? A Yes sir, but I donst know her name.

Q Brown a young man or an old man? A He was a middle aged man.

Q On what side of Grand river, east or west? A On this side.

Q Who lived adjoining to you down there? A Arch Williams.

Q How far from Arch Williams's place? A Lived between me and Arthur Bean.

Q Did you have a house there? A Yes sir, I had a house. I wouldn't be sure bout the man's name, it seems to me like it was Brown.

Q How much did you get for the place? A Four dollars.

Q How long had you lived on it? A I lived there two seasons on it.

Q When did you leave it? A Left it in the spring.

Q How many year ago? A In the fall, I don't know how many years ago.

Q Where had you lived when you went out to this place? A I told you I lived in the bottom.

Q With your father and mother? A yess sir.

Q Where were you married the first time? A At Washington Adair's place.

Q That was before the war? A yess sir.

Q Where were you married after the war? A Here in the nation.

Q Where? A Down near an Grand river.

Q Did you have a husband that come back with you? A yess sir.

Q What was his name? A Gull Landrum.

Q Where did he die? A Died in Ottumwa, he was just out there two weeks and died before he got back.

Q How long after the war? A I don't know how long, seems to me like it wasn't long though.

Q Had you gone up there visiting when he died? A No sir, I didn't.

Q Didn't you go up there and see him when he died? A No sir, I didn't.

Q Didn't you see him at all? A Not when he died, I didn't.

Q You didn't see him at the time he died? A No sir, because I didn't have no way to get to him.

Q Who did he go to visit? A I don't know, let me see, seems to me like his sister was there?

Q What was her name? A Amelia.

Q Amelia what? A I don't know. I don't know that either Amelia Landrum I guess, because he belonged to the Landrum's.

Q He had been there at Ottumwa there? A He died there. He had just been away two weeks and he died. He had consumption and he died before he got back.

Q Do you know what year he died? A No sir, I don't know that.

Q Now where did Rachel Steel live after she come down here with your father and mother, who did she live with? A After mother died?

Q Before your mother died? A I told you two or three times. We lived with mother all the children lived with her until she died.

Q Did you live with your mother at the time she died? A No sir.

Q How long had you been separated from your mother at the time she died? A I don't know that.

Q About how long? A Four or 5 weeks I reckon, maybe longer than that.

Q As much as two months? A Now, Mr. Hastings, I don't know.

Q But Rachel was living with her when your mother died? A Yes sir.

Q How old is Rachel's oldest child? A I don't know how old Fannie is, about --- I don't know how old she is.

Q What is her oldest child's name? A Fannie.

Q What is the next one? A Morning.

Q Next one? Claud.

Q Don't you have any idea about how old her oldest child is? A I say I don't know just exactly, Fannie must be 25 years old I reckon, I don't know. Probably somewhere along in there, I don't know just how old she is.

Q Rachel was living with her mother when her mother died? A Yes sir, she was.

Q Up to that time she had always lived with her mother? A Always did.

Q She hadn't married yet? A No sir.

Q You say her mother died down here on Spavinaw? A Yes sir.

Q You are positive of these things? A Yes sir.

Q You say that her mother died of smallpox? A She did.

Q That was when they had that general smallpox scourge throughout the country? A Yes sir.

Q That was in '82 or '83 wasn't it? A I don't know.

Q That was when everybody was having the smallpox, when they had it? A Yes sir.

Q Now then how are you going to get around the fact that the smallpox happened here in this country about 20 years ago and you say your mother died at that time down here on the river, and you say that Rachel was living with your mother at that time? A Yes sir.

Q And wasn't married? A No sir.

Q And yet her oldest child was 26 years old, and was bound to have been born about five or six or seven years before this smallpox? A I say I couldn't say positive how old she was; I am just guessing at it. Don't go and say I said positively because I don't know. She wasn't married then.

Q Your mother died in Ottumwa, Kansas? A No sir, she didn't.

Q Martin Adair died up there too didn't he? A No sir, he didn't.

Q Now on whose place is your mother buried? A I don't know.

Q In the graveyard? A No sir.

Q Out in the woods? A Yes sir, theres lots of folks buried out there in the woods.

Q How many children did Rachel have older than Roxie?

A Fannie is older, Claud is older and Merning is older. She's got three older than Roxie.

Q According to the schedule of the age of these three children, Roxie was born in 1882 during the year of the smallpox, and Rachel Steele, her mother, must have had 3 children born prior to that time, yet you say that her mother died down here in the Cherokee Nation and that Rachel was living with her and single and unmarried, how do you account for that? A I don't know but she was.

Q Where is Harry Steele living now? A At Nowata.

BY COMMISSION: You are your sister, Rachel, came down at the same time your mother, Polly Adair, did after the war? A Yes sir.

Wm. Hutchinson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 20th day of October, 1903.

Charles N. Sampson

Notary Public.

COMMISSIONERS:
TAMM DIXIE,
THOMAS D. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 21, 1903.

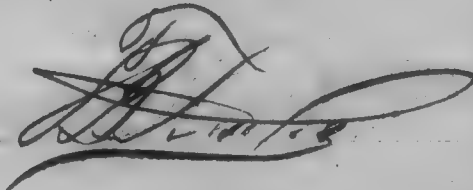
W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There are herewith enclosed copies of testimony taken at
Vinita, during the month of September, in Cherokee freedmen cases
as follows:

D 627, Frances Anderson et al.,
D 958, Sallie Humphreys et al.,
D 289, Lewis Martin et al.

Respectfully,



Enc. D-3.

Commissioner in Charge.

Truchis statement is that it was rather cold
& Webbers is that it was about last of Aug
or 1st of September

Webbers says that he was on his way from
his home on Big Creek to Ft. Scott - via the
crossing on Neosho river where the old military
road intersect Neosho river.

~~That is to say he was~~

There was a plain travellin road from his
place on Big Creek direct to his crossing
on the Neosho river - a distance of about 25 miles

Instead of going the direct route he goes 8, 20,
30 miles without a road and strikes the military
road thirty miles south of the objection point
on the Neosho river

Case J. McKays on this.

ATTORNEYS

L. B. BELL

W. W. HASTINGS

J. S. DAVENPORT

J. C. STARR, SECRETARY

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

VINITA, IND. TER.

190



627. Francis Anderson

The statements of Sam Webb and Dave French place Francis Anderson and his mother, stepfather and three sisters & Francis husband on Cabin Creek at the military crossing on the south side.

They differ materially as to when the family were camped. French places them some way from the Creek and Webb places them immediately at the Creek. In both instances it was an accidental meeting and lasted only a few minutes. Webb and French were both travelling north and differ somewhat as to the time of the year when they saw them.

Cher Fr D 628

Cher Fr D 628

Department of the Interior,
Commission to the Five Civilized Tribes,
Cholsea, I. T. June 8th 1901.

See Sequichie agent for the applicant.

W. F. Hastings Cherokee Representative-

In the matter of the application of Joseph Hanley for the enrollment of himself, wife and six children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

By the Commission:

- Q What is your name? A. Joseph Hanley.
Q What is your age? A. 35.
Q What is your post office address? A. Haydon.
Q In what district do you live? A. Geewassee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Is your name on the roll of 1880? A. I don't know.
Q Is it on any of the rolls? A. Yes sir the Kern Clifton and Wallace rolls, and I drew money on the '80 roll.
Q Who do you want to have enrolled? A. Myself, wife and six children.
Q What is the name of your wife? A. Kate.
Q How old is she? A. 35.
Q What is her father's name? A. Robert Webber.
Q What is her mother's name? A. Margaretta.
Q Are they living? A. Yes sir.
Q What are the names of your children? A. Ida.
Q How old? A. 15 years.
Q Next one? A. Frank.
Q How old? A. 13 years.
Q Next one? A. Sarah.
Q How old? A. 9 years.
Q Next one? A. Lela.
Q How old? A. 8 years.
Q Next one? A. Joseph Jr.
Q How old? A. 4 years.
Q Next? A. Willie.
Q How old? A. 4 years.

The applicant not found on the 1880 or 1890 rolls.

The Kern Clifton roll examined and the name of the applicant found thereon as follows:

Page 146 No. 5614, Joseph Hanley, Geewassee district.

- Q Is your wife on the 1880 roll? A. I don't know.

The applicant's wife not found on the 1880 roll.

The Kern Clifton roll examined and the applicant's wife found as follows: Page 180 No. 4425, Kate Hanley, Geewassee dist.

The Kern Clifton roll examined and the applicant's children identified thereon as follows:

Page 180 No. 4426, Ida Hanley, Geewassee district.

Page 180 No. 4427, Frank Hanley, "

Page 180 No. 4428, Jim Hanley, "

Page 180 No. 4429, Lela Hanley, "

Joseph Hanley 2.

The Wallace Hall of the Cherokee Nation examined and the name of the applicant and his wife identified as follows:
Page 136, No. 3888, Joseph Hanley, { District not given }
Page 177 No. 3888, Kate Hanley.

- Q What was your father's name? A. Lemme.
Q Is he living? A. No sir.
Q How long has he been dead? A. Two years.
Q What is your mother's name? A. Eliza.
Q Is she living? A. No sir.
Q How long has she been dead? A. I don't know, 24 or 25 years.
Q Were you a slave? A. My mother was.
Q Who did she belong to? A. George Whitmore.
Q Was your mother taken out of the Cherokee Nation during the war?
A. Yes sir I don't know.
Q Where were you born? A. I don't know sir, in the Nation I guess.
Q The first you recollect was in the Nation was it? A. Yes sir.
Q Have you lived in the Cherokee Nation ever since? A. Yes sir, since I recollect was at Tablequah.

By Mr. Semple:

- Q Who were you living with in 1888? A. With my step mother.
Q What was her name? A. She had two or three names, Foll Hanley, Foll Cox and Foll Dick.
Q What was her nationality? A. She was a Delaware.
Q Did she enroll you then? A. I am sure she did.
Q By what name? A. By her name then.
Q What was her name then? A. Dick.
Q Did she enroll anyone else at that time? A. Yes sir she and her daughter.
Q What was the name of her daughter? A. Annum Dick.
Q Where did you live about 1 1/2 of A. About two and a half miles north east of there on Lightning Creek.
Q You say she was a Delaware? A. Yes sir.
Q You remember positively that she enrolled you and her family then? A. Yes sir.
Q And drew money for you? A. Yes sir.

By Hastings:

- Q What was her husband's name then? A. Lemme Hanley.
Q And her name was Dick? A. That was her daughter's name; she was a Dick before she was a Hanley.
Q How old were you when you lived at Tablequah? A. 8 or 9 years of age.
Q You were that old when you came up here? A. Yes sir.
Q Where were you living down there? A. South of Tablequah near the river.
Q Illinois river? A. Yes sir.
Q How far from Tablequah? A. I can't say for sure and be positive; 2 or 3 miles.
Q Near where the old Jim King place was? A. That is the place.
Q Known as the Spear place? A. I don't know that it is the place that was then the Jim King place that my father was killed.
Q And you have lived in the Cherokee Nation ever since you can remember? A. Yes sir.

By the Commissioner:

- Q Now any you recollect being enrolled in 1888? A. Yes sir.

Joe. Hanley

3.

Q How old were you then? A. 15 or so.

Q What makes you recollect that you were enrolled in 1889? A. Because my father was not at home when the census takers came there round

to enroll my mother's step mother, and she enrolled me and her daughter.

Q Your step mother was an Indian? A. Yes sir, she was a Delaware Indian.

By Hastings:

Q Did you have any brothers? A. Yes sir.

Q What was their names? A. I had some half brothers and sisters named Alle, Mandy and Florence.

Q Are you the eldest one? A. Yes sir, These are my half sisters by my father's Delaware wife.

Examination by the Commission

Q What half sisters and brothers did you have? A. Alle and Mandy and Florence.

Q Older than you? A. No sir.

Q What was your brother now younger than you? A. I don't exactly know understand you.

Q Did you have a brother or half brother or a step brother younger than you? A. No sir, not if I understand the question.

Q Did you have a half brother younger than you? A. Not of my mother, I have half brothers, two or three of them.

Q What are their names? A. Willie Hanley.

Q How old is he now? A. 17, 18 or 19 years old.

Q Is he the youngest half brother you have? A. Yes sir.

By Hastings:

Q Francis Hagdale is a half brother on your father's side? A. Yes sir.

Q Did you have a half brother on your mother's side? A. Yes sir.

Q Did this Dick woman have any children of her own? A. Yes sir.

Q What? A. Bessie Dick was my step sister.

Q Did she have any boys? A. Not that I know of.

Q The only child that you know of her having before your father married her was Bessie? A. Yes sir.

Q Your mother is dead? A. Yes sir.

Q She was killed near Tahlequah? A. Yes sir.

Q Who killed her? A. Bob Hayes.

Q He was a recognized Cherokee citizen? A. I don't know sir.

Q Did you know Bob's parents? A. No sir.

Q The United States Court at Fort Smith tried him for the killing of your mother didn't it? A. From what I heard they didn't.

Q He was taken there? A. Yes sir, but I understand that he was released on citizenship.

Q You know know it of your own knowledge though? A. No sir.

By the Commission:

Q Is your step mother Bessie Dick dead? A. Yes sir.

Q She was a Delaware? A. Yes sir.

Q How old were you when your mother was killed? A. 3 or 4 years old I suppose.

Looking further called and sworn as a witness testified as follows

Joe Manley 4

on the part of the applicant.

By the Commissioner-

- Q What is your name? A. Leoney Whitmore.
Q How old are you? A. 44.
Q What is your post office address? A. Kaysan.
Q Are you a recognized Charles Freedman? A. Yes sir.
Q On the 1880 roll? A. Yes sir.

By Joe Squibbie.

- Q Do you know Joe Manley? A. Yes sir.
Q Did you know his people? A. Yes sir.
Q How long? A. All my life.
Q When was the first time that you saw Joe Manley? A. In '66, he was born at Fablequah on the Illinois river.
Q Do you remember having seen him or his family in 1880? A. Yes sir I used him and his father.
Q Did he have a step mother? A. Yes sir.
Q What was her nationality? A. Polly Cox or Manley.
Q Her other name that you know? A. Dick.
Q What was she? A. A Delaware.
Q Where did they live? A. In Cassowassee now.
Q Do you know if she enrolled her children on the 1880 roll? A. I don't say.
Squibbie: That's all, thank you.

By V. V. Hastings:

- Q How old are you? A. About 44 or 45 years old.
Q You were about 10 years old then when the war closed? A. Yes sir I suppose so.
Q Where did you live when the war closed? A. In the Cherokee Nation.
Q Who brought you back here? A. Whitmore.
Q What Whitmore? A. Our owners.
Q Come to going snake, that was where they lived wasn't it? A. I believe it was Canadian.
Q Was you present when this boy was born? A. Yes sir.
Q What house was he born at? A. Close to Joe Spears place.
Q In the Illinois river? A. Yes sir between there and Barran Park.
Q Did his mother go south with you? A. No sir.
Q Had she been out of the country? A. They said they went north.
Q Did you see her up north? A. No sir.
Q Where did you see her? A. In the Nation here.
Q When? A. In '66 towards the last part of the summer.
Q After you came back? A. Yes sir.
Q What were you doing up there? A. My mother went up there to get her, who was her daughter.
Q Is this boy's mother your sister? A. Yes sir.
Q What kind of a controversy did you have when you came here? A. Went by land, there was no trading running then.
Q Did his father own up there? A. Yes sir.
Q Went back with his mother? A. Yes sir.
Q And they lived on the same place? A. Yes sir.
Q South of Fablequah? A. Yes sir on the whole Indian landers place.
Q This boy's mother was killed? A. Yes sir.
Q Was she killed? A. Yes sir.
Q But how was a recognized Charles Freedman wasn't he? A. Yes sir.
Q Were you at Fort Smith during his trial? A. No sir.

See Hanley

Q You are in touch of this fellow A. Yes sir.

By the Commission:

- Q What was this applicant's mother's name? A. Nina.
- Q Was she a slave? A. Yes sir.
- Q Was she being held? A. George Washington.
- Q You knew that she returned in 1907? A. Yes sir.
- Q She is not living now? A. No sir.
- Q Did you know his father's name? A. Yes sir.
- Q Was he a slave? A. I don't know anything about him.
- Q How long has Nina been dead? A. Died in '78 I think.

FRANK PAGE called and sworn as a witness for the applicant testified as follows:

By the Commission:

- Q What is your name? A. Frank Page.
- Q How old are you? A. 40.
- Q What is your post office address? A. Tallapoosa.
- Q Are you a recognized Cherokee Freedman? A. Yes sir.

By the Commission:

- Q When did you first know See Hanley? A. Ever since he was a small boy. He lived two and a half miles from me on the Ellerslie river.
- Q Where? A. Near Tallapoosa.
- Q Did you know his mother? A. Yes sir.
- Q What was her name? A. Nina.
- Q How long did See Hanley and his family stay there in what country?
- Q As they was there in '07 or '08 and would there until '78 and moved from there? Who got killed I think in '78.
- Q Who killed her? A. Sam Hare.
- Q What disposition was made of his case? A. I don't know.

By the Commission:

- Q You say you know this boy's mother? A. Yes sir.
- Q Was she a slave? A. I guess so.
- Q When was the first time you ever saw her? A. '07 or '08.
- Q Not as early as '07? A. No sir.
- Q How far did you live from her? A. Two and a half miles. They lived on the other side of the river. We lived between there and Dalton Park.
- Q Did they live between you and town? A. Yes sir. We had to come by there to go to town.
- Q How long did you live there? A. Yes sir. That was the first time.

ROBERT WEBBER, called and sworn as a witness for the applicant, testified as follows:

By the Commission:

- Q What is your name? A. Robert Webber.

Joe Manley

Q What is your post office address? A. Hayden.
Q Are you a recognized Cherokee Freedman? A. I think so, but I am not sure.
Q Is your name on the roll of 1880? A. I don't know it is.
Q What is your age? A. 66.

By the Court:

Q Do you know Joe Manley? A. Yes sir.
Q His wife? A. Yes sir.
Q What relation is she to you? A. My daughter.
Q How old is she? A. 34.
Q Where was she born? A. In Barron Park.
Q What district? A. Tahlequah.
Q How she lived with you all the time she has been in the Cherokee Nation? A. Yes sir.

By the Court:

Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Where did you go? A. To Texas.
Q When did you return to the Cherokee Nation? A. In 1865.
Q When was this Kate Manley born? A. I returned to the Nation in 1865 and she was born the next fall.
Q In the Cherokee Nation? A. Yes sir, in Barron Park 10 miles east of Tahlequah.
Q Do you know if both applicants and your daughter Kate are married? A. Yes sir.
Q How do you know it? A. Joe came and asked me for her and I gave her to him and he went off with her.
Q How long have they been living together as man and wife? A. I don't exactly remember.
Q Was she ever married before? A. No sir.
Q Was Joe ever married before? A. No sir.
Q How many children have they? A. Seven.
Q What is the eldest one named? A. John.
Q Have you had any children before she married Joe? A. No sir.

By the Court:

Q Did you go to Texas with a full party of soldiers? A. Yes.
Q Should there during the war? A. Yes sir.
Q Did you come back with? A. Salinas Carter.
Q He lived in Arkansas? A. Yes sir.
Q What did you do there? A. In 1865.
Q From what you saw? A. In Houston place in Barron Park.
Q The young woman? A. Yes sir.
Q The place was living there? A. His sisters, Mary and Sallie.
Q And of them living? A. Yes sir.

Applicant's agent says that the warrant which he claims is attached hereto and is the original in fact is the same.

The 1880 roll, printed and on page 80, 81, the third is "John Manley" and the fourth is "John Manley" and the fifth is "John Manley".

By the Court:

Joe Manley ?.

Q You didn't make any claim or make any reference to your name being on the 1880 roll five years ago before the Kern Clifton court did you?
A Not as I know of, but I knowed it just as well then as I do to-day.

By the Commission:

Q Do you know how old you are? A. No sir, but I was told that I was 38 years old.

By Com'r Needles,--

Joseph Manley applies for himself, his wife Kate, and six children, to-wit: Ida, Frank, Sarah, Lola, Joseph Jr and Willie Manley; he is not identified on the 186 Freedman roll or the Census Freedman roll of 1880; he is identified on the Kern Clifton and Wallace rolls as Joseph Manley; he avers by his agent that one Joseph Dick is enrolled on the authenticated roll of 1880 as a Delaware Indian, and the page and number of said roll giving said enrollment is set forth in the testimony and it is claimed that that enrollment is intended for the applicant; he claims that his step mother was one Polly Manley or Dick, and the name of Polly Dick is found on the 1880 roll, and he claims that she enrolled him with her other children as Joseph Dick. He applies for the enrollment of his wife Kate; she is identified on the Kern Clifton roll and on the Wallace roll but not on the authenticated roll of 1880 or the census roll of 1880. Q He avers that she is the child of Robert and Marguerite Webber and the names of her father and mother are not found on the authenticated roll of 1880; they are known as disputed citizens and reference will be made to the testimony that will be taken in the said Robert Webber's application when same shall have been made, he not having as yet applied for enrollment. A copy of the testimony taken in said case will then be filed with this application and made a part of the application as for the with. The names of his four eldest children are identified on the Kern Clifton roll, but the names of his two youngest children are not on said roll and it will be necessary for him to file with this Commission satisfactory proof as to their birth. By reason of the fact that the name of Joseph Manley is not found on the authenticated roll of 1880, and for the further fact of the indefiniteness of the testimony as to the identification of the applicant with the Joseph Dick whose name is found on the authenticated roll of 1880 according to the page and number of the roll as indicated in the testimony, and for the further fact that no proof is set down as to the citizenship of the applicant's wife Kate, the said Joseph Manley and his said wife Kate Manley and their six children as enumerated herein will be listed for enrollment as Cherokee freedmen on a doubtful card for the further consideration of the Commission, and when the final decision therein is made he will be notified of the same by mail.

By W. W. Hastings:

* Comes now the representatives of the Cherokee Nation and call attention to the fact that the roll of 1880 as presented before the Commission, shows the names of Richard, Joseph and Billy Dick together as all one family, and neither the names of Richard and Billy have been mentioned by the applicant in his testimony as being among the members of his family.

File with Cherokee Freedmen, D-628, Joseph Manley

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelmsa, I. T., June 8th, 1901.

In the matter of the application of Robert Webber for the enrollment of himself and wife as Cherokee Freedmen; said Webber being sworn and examined by Commissioner C. B. Specknaridge, testified as follows:

Appearances:

Messrs. Mellette & Smith for Applicants.
Mr. J. S. Davenport for Cherokee Nation.

- Q Give me your name? A Robert Webber.
Q How old are you? A About 65.
Q What is your postoffice? A Hayden.
Q In what district do you live? A I live in Goo-wee-soo-wee District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A My wife.
Q Is that all? A My children.
Q How many children? A Four.
Q You have got four children that are under 21? A No, they are all married.
Q Then it is just you and your wife? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life, born here.
Q Were you out during the war? A Yes, sir.
Q What time did you come back? A I come back in '66.
Q Have you lived here ever since you got back in 1866? A Yes sir.
Q Were you the slave of a Cherokee citizen when the war broke out?
A Yes, sir, I was the slave of old Ikey Webber.
Q Was she a recognized citizen of the Cherokee Nation?
A Yes, sir, full blooded Indian.
Q What time did you come back in 1866? A Along in the summer.
Q To what point did you come? A I come on the Barren Fork in Tahlequah District.
Q You came right to Barren Fork? A Yes, sir.
Q Give me the name of your wife? A Margaret.
Q How old is your wife? A She is about 66.
Q When did you marry her? A In time of the war.
Q Was she a slave of a Cherokee citizen when the war broke out?
A Yes, sir.
Q Whom did she belong to? A John Carter's mother.
Q What was her name? A Nancy Ward.
Q Was she a well known and recognized citizen of the Cherokee Nation? A Yes, sir, I guess so, she always traveled money with them.
Q Did this woman, Margaret, go with you to Kansas? A No, sir, we was in Texas together.
Q You didn't go to Kansas? A No, sir.
Q She went with you? A That is where I found her when I got her.
Q You married her down there? A Yes, sir.
Q Was she there with a Cherokee by blood? A Yes, sir.
Q Did the Wards have her there? A Yes, sir.
Q Did she come back with you? A Yes, sir, I brought her back.
Q Has she lived in the Cherokee Nation ever since? A Yes, sir.
The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1890 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 189, #4450, Robert Webber, Goo-wee-soo-wee District.
Page 175, #4288, Margaret Webber, Goo-wee-soo-wee District.

Q Now, how does it happen that neither you nor your wife is on the roll of 1880? A Well, I guess they just didn't want to put it on there.

Q What reason did they give? A Didn't give any reason.

Q Did you talk to them about it when they come around? A Yes sir.

Q What did they say? A Didn't say anything, said they would put it down.

Q Did they tell you it was all right or they didn't know?

A They didn't know; wasn't but one man told me it was all right and that was Rufus Ross.

Q Did you ever go to Tahlequah and see about having your rights recognized? A Yes, sir.

Q When did you go? A When John Chambers was Judge.

Q Did you attend his court? A Yes, sir, he sent a summon for me.

Q Did you have proceedings there before his court? A Yes, sir.

Q And what was the result of the proceedings? A He put me off for two or three weeks.

Q And then what did they do? A When I went back they had done tried me and put me on the doubtful roll and I said it was a poor way to try a man and him absent.

Q Did they question you when you first went there? A No, he just talked some when I went there and told me all he wanted was good evidence.

Q Did he examine any witnesses? A No, sir.

Q Did he ask you about when you came back and all about it?

A Yes, sir.

Q Asked you all about it at that time? A Yes, sir.

Q He took your own evidence? A Yes, sir; I got to the door and he got to talking Cherokee to me and we stood there talking Cherokee a long time and he said we will put it off for two weeks and I returned inside of two weeks.

Q Did you take any witnesses? A Yes, sir, they are dead now.

Q Did you take them back in that two weeks? A No, sir, they lived down there.

Q Did they live at Tahlequah? A Yes, sir.

Q You had them there at the end of two weeks did you? A Yes, sir.

By Mr. Mallette:

Q Who did you come back with? A I come with a fellow by the name of Web Crittendon.

Q Where is the first point you struck in the Cherokee Nation when you came here? A The first pint I struck was on the Illinois River by Mr. Musgrove's; I come down the big road, down Lindsey's prairie.

Q Where did you come from? A I come from Galdine Gunter's.

Q In what State? A That was in Arkansas he lives, I moved him there.

By Commissioner Breckinridge:

Q You moved him from where? A From Texas.

Q How long did you stay at Galdine Gunter's? A I stayed there that winter, in '65, and in '66 I left them, told mother there was a limit and I had better get back.

Q Is that up in Washington County, Arkansas? A Benton County I think.

Q Did you stay there as much as a year? A No, sir.

Q What time of the year was it you got there? A In the winter.

Q And what time did you leave? A I left in the Spring.

Q The following Spring? A Yes, sir, the following Spring.

Q You came to Gunter's from Texas? A Yes, sir.

Q About what time in the winter? A I don't know just exactly.

Q Well about how long after Christmas? A Oh, I guess it must have been a week or two after Christmas.

Q How did you happen to leave Texas and go up to Gunter's?

A He was coming back and he said he would bring me back.

Q Was the war over? A Yes, sir, peace was declared in '65, I drove teams for him.

Q Had Gunter been in the Confederate army? A No, sir, he hadn't been in any army at all; he stayed with his family.

Q There was no fighting when you came back? A No, sir, the war was ended but it was little kinda squally times yet.

Q Who came with you and the Gunters? A Fellow by the name of Crittendon.

Q How long had the war been over when you went to Gunters?

A Peace was declared in '65; I was with Gunter there in Texas when peace was declared, we started back home that same summer.

Q Have you lived in the Cherokee Nation ever since you came to it from Gunter's in Arkansas? A Yes, sir.

Q Was your wife with you at Gunter's? A Yes, sir.

Q Did she come with you from Gunter's to the Cherokee Nation?

A Yes, sir, I moved her down from Gunter's to the Cherokee Nation.

By Mr. Davenport:

Q Now, Robert, did you belong to Calbine Gunter at the breaking out of the war? A Yes, sir.

Q You belonged to whom? A Old Alkey Webber.

Q Where were you living with reference to Calbine Gunter and family when the war broke out? A I was living down here by Tahlequah.

Q How far from Gunter's? A About 35 or 40 miles.

Q They were living at what is known as Siloam Spring? A Yes, sir.

Q You went south to Texas during the war? A Yes, sir.

Q And you came back to Arkansas with Calbine Gunter and his family?

A Yes, sir.

Q Do you remember the names of Calbine Gunter's children that were living then? A Yes, sir, I know part of them, John T. Gunter.

Q He lives here at Vinita? A Yes, sir.

Q Do you remember his oldest daughter's name? A Ann Eliza.

Q Mrs. Doctor Fortner at Vinita? A Yes, sir, and Eliza was out cow driver.

Q When you applied to the Chambers Court in 1871 to be admitted, you were decided against, of course, you had returned too late?

A That is what they said.

Q Now, when you came back to the Nation whose farm did you come to first? A I went to the old Roach farm on Warren Fork, the George Roach's farm.

Q He was living there? A Yes, sir.

Q He is now living down in there? A Yes, sir.

Q He would know when you got back? A Yes, sir, he ought to know I made a crop there.

Q In giving your testimony before you didn't state that you returned to Calbine Gunter's in 1868? A No, sir, I didn't.

Q How long did you live on the Roach place on Illinois river in that country there? A I lived down in that country four or five years.

Q Who else of the Cherokee families were living there when you returned to the Roach place? A Nan Roach and John Roach and Sallie.

Q Were there any other Cherokee families there other than the Roach family? A Aaron Crittendon.

Q How far is this Roach place from Tahlequah? A Ten miles.

By Com'r Breckinridge:

Q Where was Calbine Gunter living when the war broke out?

A He was living there where I left him I guess.

Q At Siloam Springs, Arkansas? A Yes, sir.

Q Was your wife living with him? A I guess so, I didn't know anything about her when they were living there.

Q You met her in Texas? A Yes, sir.

Q Well, was she living with Calbine Gunter in Texas? A Yes, sir.

Q And she belonged to Calbine Gunter at the time she went back with Calbine Gunter to his house? A Yes, sir, she was in the family.

Q Now, you and your wife have a lot of children? A Yes, sir.

Q They are of age? A Yes, sir.

Q They may need to claim in your case so I will take their names now; give me their names? A Frank Webber.

Q How old is Frank? A About 37.

Q And then the next child? A Katie but then she went in with her husband.

Q She is with her husband? A Yes, sir.

Q What is her present name? A She is a Manley now.

Q Has she already applied? A Yes, sir.

Q Now the next child? A Josh.

Q How old is Josh.

Q How old is Josh? A 33.

Q Now the next child? A Sam.

Q How old is Sam.

Q Now, the next child? A Ella, you get her down with her old man, Ella Wright.

Q Has she applied yet? A Yes, sir, told me to speak to you about it, she was down with him, Walter Wright, I guess he put his name down.

Q What is the name of Katie's husband? A Joe Manley.

Q Which one comes next to Ella? A That is all.

LOUIS B. DANIELS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Louis B. Daniels; age 56; postoffice, Claremore.

Q How long have you lived in the Cherokee Nation? A All my life, sir.

Q Are you on the 1880 roll? A Yes, sir.

Q Do you know this applicant here? A Yes, sir.

Q Did you know him before the war? A No, sir, I got acquainted with him after the surrender.

Q Where did you first meet him after the surrender? A In Fort Gibson, sir.

Q When was that you met him in Fort Gibson? A That was in the summer of '66.

Q That was the first time you met him was it? A Yes, sir, I got to know him.

Q What were the circumstances of your meeting, were you acquainted with him? A There were eight or ten of us going to go out and hunt some meat and kill some beaves, we was allowed to kill beaves by going to see the chief and getting a permit, and we come up to Grand river and got an order from chief Downing to kill some beaves and Bob was in the crowd with me.

Q This man, Bob? A Yes, sir, there were several of us, there is six living now.

Q Did he go with you to kill the beaves? A Yes, sir.

Q And you remember of his being in that party? A Yes, sir, and every man remembers it that is living.

Q Were there any other times that you have met him? A Yes sir, I have met him since that; after he left Fort Gibson I don't know exactly what time I met him in '66 on Barron Fork. I was going by there to buy some hogs and I stayed all night with him in the Cherokee Nation, about 13 miles the other side of Tahlequah.

Q Where was he living when you met him in Fort Gibson? A He was staying with his brother, I guess, I didn't ask him.

Q Where was his brother living? A Right in Fort Gibson, Bude Webber.

By Mr. Bavenport:

Q Now, Louis, the first time you remember seeing Bob here in the Cherokee Nation from the time you went to get an order from Louis Downing to kill some beaves - ? A I may have seen him before that, but I didn't know it was Bob Webber.

ROBERT WEBBER, the applicant, recalled: By Con'r Breckinridge.
 Q These children you have named are five children are they all the children of your wife, Margaret? A Yes, sir.
 Q Were you ever married before you married Margaret? A Yes, sir.
 Q Back in old slavery times? A Yes, sir.
 Q Was your wife dead? A No, sir, but we are parted, she is right down here now.
 Q Your wife, Margaret, had she been married before? A Yes, sir.
 Q Had she been parted by the war? A Yes, sir.

FRANK ROSS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Frank Ross.
 Q How old are you? A 33.
 Q What is your postoffice? A Hayden.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Are you on the roll of 1880? A Yes, sir.
 Q Were you a slave in the Cherokee Nation when the war came on? A Yes, sir.
 Q Did you know Mr. Robert Webber, before the war? A No, sir.
 Q Did you meet him after the war? A Yes, sir.
 Q Where and when did you first meet him after the war? A Met him down here on Pryor Creek.
 Q What was he doing down there? A Hunting beavers, cattle.
 Q When was that? A In '66, in August.
 Q Who were with you? A Louis Daniels and Mule Rogers and Dade Webber and George Ross, that is all I saw. I didn't go down to the camp, I met them out on the prairie.
 Q Did you hunt with them? A No, sir, I had been hunting, I was going on home when I met him.
 Q Have you seen much of him from that time on? A Yes, sir, I have seen him off and on ever since that time.
 Q Has he always continued to live in the Cherokee Nation? A Yes, sir.
 Q By Mr. Bavenport:
 Q You didn't leave the Nation did you, Frank, during the war? A I was out about eight months altogether.
 Q When did you return? A '66.
 Q What time of the year? A In March.
 Q Where were you living at the time the treaty was made? A I lived down here on Pryor Creek.
 Q What place? A Down there, this side of where the railroad crosses.
 Q Was there anyone living there at that time? A My parents lived there, my father and mother.
 Q Wasn't any improvements there on the farm? A None except what we put there.
 Q When did you put them there? A We moved up there in the fall of '66, we moved from the older place to Pryor Creek.
 Q You moved up there in the fall of '66? A Yes, sir.
 Q There were not any improvements there when you moved there? A No, sir, I was hunting beavers.
 Q You had got an order from the chief to hunt beavers? A I lived right there by the chief.
 Q What chief? A Redman.
 Q That was in August, 1866? A Yes, sir.
 Q What time in August? A About the first of August.
 Q When did Louis Daniels become chief? A He was only acting chief then, by the next morning he was dead, because I voted for him.
 Q You remember especially it was in 1866? A Yes, sir.
 Q Where was Louis Daniels living then? A I don't know, he came down below there.

Q You never asked him any questions about that? A No, sir, I knew Louis Daniels and all of them and I knew George Ross because we was raised together.

Q That is the George Ross that lives down here about Claremore?
A Yes, sir.

SAM WEBBER, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Your name is Sam Webber is it? A Yes, sir.

Q How old are you? A About 28.

Q What is your postoffice? A Nowata.

Q How long have you lived in the Cherokee Nation? A I was born here and raised here and come back in '68 here.

Q Are you on the 1880 roll? A Yes, sir.

Q Were you a slave in the Cherokee Nation when the war broke out?
A Yes, sir.

Q Did you know this man, Robert Webber before the war broke out?
A Yes, sir.

Q To whom did he belong? A Akey Webber, same woman I belonged to...

Q She was a recognized Cherokee citizen was she? A Yes, sir; talked all Cherokee, could not talk any English.

Q Did this man go out with you when the war came up?
A No, sir, I found him with the Pin Indians. When they pulled up

and went north I found him with them when they went there.

Q Where was that? A That was somewhere near on the line, Arkansas line, where I found him when I went to him.

Q When was that? A That was somewhere along sometime near the war commenced.

Q He was with the Pina? A Yes, sir, when I seen him.

Q What did you see of him after that? A He was taken prisoner and was taken off and I didn't see him any more; his wife come to Kansas and said they come and got him at their house one night and I never seen him any more.

Q His wife come to your house? A Come to the soldiers' quarters.

Q Who did she say took him? A The Bushwhackers.

Q And they took him north? A No, sir, taken him south what she said.

Q And you don't know what they did with him down there? A No sir.

Q When did you see him after the war? A I saw him here along after the war when I lived up here he come up to see us.

Q That was two or three years after you got back? A Yes, sir.

Q When did you get back? A '88.

Q And that was '88 or '89? A Yes, sir, somewhere along there.

By Mr. Davenport:

Q Sam, what became of Bob's wife after she came up to the soldiers' camp? A She stayed there and went to Bigaon.

Q Where were you camped at that time? A Over here about, I can't think of the name of the place, over here in Arkansas.

Q Now, what year was that? A That was along, the war run a little while.

Q Fighting was going on then? A Yes, sir.

ROBERT WEBBER, the applicant, recalled by Mr. C. R. Breckinridge:

Q What is this about your being with the Pin Indians? A I was a soldier

Q Soldier in the army? A Yes, sir.

Q And you were captured were you? A Yes, sir.

Q And what did they do with you? A They took me to Texas.

Q You didn't go down to Texas with your mistress, Akey Webber?

A No, sir, she was dead.

Q When did she die? A She died in '61.

Q Who did you belong to after your mistress died? A I belonged to nobody, you see she died in '61 and I was still on the place.

Q You don't know who claimed you at that time? A No, sir.
Q Who had charge of the place? A Her son, Robin Webber.
Q Well, did you recognize his authority? A Oh, yes.
Q Well then when they took you down to Texas what did you do?
A I drove teams.
Q For whom? A The Southern Government.
Q Did you find this woman down there? A Yes, sir.
Q Did you find any of your people down there?
A Found Charley Webber, son of Akey.
Q Were you hired out to the Southern Government? A Yes, sir.
Q Who did the hire? A Charley Webber I suppose.
Q What did you have to do with Webber at that time?
A They took me there and hauled and he was working for the Government.
Q What did this young Webber have to do with it? A The war was nearly over and he said I could just stay there.
Q Was he living in Gunter's neighborhood? A No, sir, he heard of me later and come over after me.
Q Then you married this woman that belonged to Gunter? A Yes, sir.
Q This woman Margaret? A Yes, sir.
Q And went on up to Gunter in Benton County? A Yes, sir.
Q Now, when you first come back from Texas you went to Benton County? A Yes, sir.
Q And then from Benton County where did you go? A To the Cherokee Nation.
Q Whereabouts? A On the Barren Fork.
Q How far to the mouth of Barren Fork? A It must be about ten or 12 miles above.
Q Well how long after you got there to Barren Fork was it before you ever had an occasion to go down to Fort Gibson?
A I don't know, sir, how long I stayed at Barren Fork before I went to Fort Gibson.
Q What neighbors did you have down there? A Hugo Gunter and Wooten Loomer.
Q Is that the time you got with Louis Danfield? A Yes, sir.
Q Did you go on that cattle hunt with them? A Yes, sir.
Q After that where did you go? A I went back to Barren Fork.
Q How long did you live there? A About four years.
Q By Mr. Davenport?
Q Now, in giving your testimony a while ago you said it happened that you didn't say anything about being taken by the soldiers could?
A You asked me how I got down there. I know of.
Q Didn't I ask you if you didn't go down there with Saline Gunter and family? A Yes, sir.
Q Didn't you tell me on cross-examination that you had married this girl before you went south? A No, sir.
Q And didn't you tell me that you lived that Gunter lived about 35 or 40 miles from where Webbers lived and that Antons lived in Arkansas and that you lived in Tahlequah? A Yes, sir.
Q How many children has your wife got? A Yes, sir.
Q How old is your oldest child? A 21.
Q What time did you go to Texas when the soldiers took you there?
A I don't know.
Q When did you and your wife marry? A Shortly after we got there.
Q How about the war, was it over? A No, sir, the war was going on.
Q By Com'r Breckinridge?
Q Who was Saline Gunter's wife? A She was a ward.
Q Was she a Cherokee? A Yes, sir.
Q Was Gunter himself a Cherokee? A No, sir.
Q Where is Nancy Gunter living now? A She is living here.
Q Where? A In Benton County.
Q Has she lived there ever since the war? A I guess so.
Q You never heard of her coming back?
A No, sir, I never heard of her since.

Com'r Breckinridge: The applicant applies for the enrollment of himself and wife. The applicant is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896. It appears that he was a slave of a Cherokee citizen in the Cherokee Nation at the breaking out of the Civil War. He was taken to the State of Texas and it is quite satisfactorily established that he returned to the Cherokee Nation in the year 1866, and that he has lived in the Cherokee Nation ever since. He states that he applied to the ~~Cherokee~~ ~~Nation~~ ~~Chambers~~ court and at one part of his testimony he said that they deferred his case and decided in his absence and in another part of his testimony he said that he was told by the court that he was rejected at that time because he had returned too late after the war. By this as it may the present testimony given by witnesses who are considered credible indicates that he did return within the time required by the treaty of 1866 and no real valid objection is seen at this time to his enrollment, but inasmuch as he was omitted from the roll of 1880, and for the further consideration by the full commission of the conditions stated, he will at present be listed for enrollment as a Cherokee Freedman on a Doubtful card and the final decision of the Commission will be made known to him at his postoffice address.

As for his wife: she is identified on the Kern-Clifton roll, and her Mistress, Nancy Ward, is appears was a Cherokee woman prior to the war she was married to one Caldine Gunter who lived in Benton county, Arkansas, and she was there residing with her husband, and the applicant's wife was living with them in the State of Arkansas prior to the breaking out of the Civil War. She was taken to the State of Texas where she met the applicant and they were married and after the war she returned to Benton County, Arkansas, her husband going with her, and he alleges that prior to the time he has been shown to have been at Fort Gibson in the year 1866, he had brought his wife to the Barren Port of the Illinois River in the Cherokee Nation and that they had there located.

Q Has your wife lived in the Cherokee Nation ever since you brought her after the war? A Yes, sir.

The weight of the testimony at present is that his wife by reason of the change of ownership that she underwent prior to the war and that was maintained in her case during the war, was not in a position to avail herself of the rights of Freedmen arising under the treaty of 1866. It may be, but it is not established, that Gunter and his wife were subsequently readmitted to Cherokee citizenship, but a decided weight of the testimony is that the wife of Caldine Gunter never resumed citizenship in the Cherokee Nation after taking up her residence in the State of Arkansas prior to the Civil War. Therefore, under these conditions there appears at present really no valid reason to justify the enrollment of the applicant's wife, Margaret, but for the further consideration of her case, as stated, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card; but the applicant has five children enumerated in the testimony all of whom have now reached their majority and whose rights perhaps depend primarily upon the status of the applicant and his wife. Now, it seems from the testimony that both the applicant and his wife were married previous to their marriage but that he was separated by the war and under the operation of the insti

tution of slavery from his wife, and she was similarly separated from her first husband and that under these conditions they contracted marriage in the State of Texas while the war was going on. It is not considered that the strict meaning of the laws of marriage are applicable to people as the applicant and his wife at that time, and it is believed at present that the marriage contracted by him and his wife, Margaret, during the war and maintained continuously from that time until now is a valid marriage, and that those children should be considered the lawful children of the applicant and his wife and that they should enjoy, in the absence of any testimony to the contrary, all the rights that may be finally established for the applicant himself.

SUPPLEMENTAL INTERROGATORIES by Gen'l Breckinridge: The APPLICANT recalled:

- Q Are those children all the children of your wife, Margaret?
A Yes, sir.
Q How many of them were born in Texas, any of them? A The oldest one was born in Texas before we left.
A Frank? A Yes, sir.
Q And then Frank is older than you think he is? A That is what I call him, what I think he is.
Q But he was born in Texas? A Yes, sir.
Q Did Frank come with you and your wife? A Yes, sir.
Q Come with you over to Barren Park? A Yes, sir.
Q Now, these other children were they all born in the Cherokee Nation? A Yes, sir.
Q Have they always lived in the Cherokee Nation? A Yes, sir.

Mr. Davenport: The representatives of the Cherokee Nation protest against the enrollment of this wife, Margaret, for the reason that Cherokee card #428 gives the testimony of Nancy Gunter in full, who was alleged to have been the owner of the wife of the applicant at the time the war broke out, which testimony shows the continued residence of Nancy Gunter in the State of Arkansas for years up to and including the date of the giving of the testimony which was on the 25th day of September, 1900.

J. G. Rogson, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly received the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

Signed, J. G. Rogson

Subscribed and sworn to before me this 21st day of June, 1901.

Signed, T. B. Headley
Commissioner.

Supplemental Cherokee Freedmen Enrollment 350.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, Ark., June 11, 1901.

In the presence of the application of Robert Webb for the enrollment of himself as a Cherokee Freedman, being sworn and examined by Commissioner Breckinridge, he testified as follows:

Robert Webb, of Arkansas, & Smith, for applicants.

COMMISSION TO
DEPARTMENT OF

YNG 14 1801

Cherokee Nation.

Mr. Hastings.

Give me your name, please.

How old are you?

Are you the husband of Mary Barber?

Yes, applied here to see you, sir.

By Mr. Hastings.

And did you give us your consent?

Did you belong to Mary Barber at the time the war came up?

Yes, sir.

You knew Jim Little at Vinita?

Did you know him before the war?

Did you know his father, Daniel Little, before the war?

When did you become acquainted with Daniel Little?

After I was

taken prisoner.

She brought you back to this country?

As far as this place.

Mr. Mellette.

That Gunter was that?

By Mr. Hastings.

Where did Saldeen Gunter live?

Arkansas?

You never belonged to Daniel Little before the war?

You never returned with him after the war?

Did you ever work for him?

Before or after the war?

How long after the war?

Jim Little was at home at that time?

And he knows what?

By Mr. Mellette.

COMMUNICATIONS SECTION
DEPARTMENT OF JUSTICE

YUC 1 1901

Mr. Hastings, the Cherokee Nation.

Q Give me your own name. A Robert Vabber.
Q How old are you? A 30.
Q Are you the husband of Margaret Vabber? A Yes sir.
Q You applied here a few days ago? A Yes sir.
Q By Mr. Hastings?
Q Who did you give as your owner? A Old Ike Vabber.
Q Did you belong to Ike Vabber at the time the war came on?
A Yes sir.
Q You know Jim Little at Vinita? A Yes sir.
Q Did you know him before the war? A No sir.
Q Did you know his father, Daniel Little before the war? A No sir.
Q When did you become acquainted with Daniel Little? A After I was
taken prisoner.
Q The brought you back to this country? A I came with Mr. Gunter,
as far as this place.
Q Mr. Little?
A That was my name. A Daniel Gunter.
Q By Mr. Hastings?
Q Where did Daniel Gunter live? A He lived up there at Gilman
Springs, I guess that's the place.
Q Arkansas? A Yes sir.
Q You never belonged to Daniel Little before the war? A No sir.
Q You never returned with him after the war? A No sir.
Q Did you ever work for him? A I worked for him a little while.
Q Before or after the war? A After the war.
Q How long after the war? A In the spring of '86.
Q How long was he home at that time? A Yes sir.
Q And he knows about it? A Yes sir.
Q By Mr. Hastings?
Q How close to the line did you work with him? A It
couldn't have been more than a mile. I guess from his house on the
line.
Q Gilman Springs is right on the Cherokee line? A Yes sir.
Q Is Daniel Gunter the father of John Gunter now at Vinita?
A Yes sir.
Q John Gunter is a recognized citizen of the Cherokee Nation?
A Yes sir. They say they had recognized him. He told me he
was admitted too, and one of his sisters.
Q Mr. Hastings?
Q Was admitted? A Yes, sir, at this court.

Don't Brookbridge. Then will be added as additional testimony to Greenman's testimony and card 320.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he specially recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.
Signed, M. D. Green,
Subscribed and sworn to before me this June 20, 1901.

Witness, J. E. McKinnon,
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he specially recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.
Signed, Bruce C. Jones,
Subscribed and sworn to before me this June 20, 1901.

[Handwritten signatures]

42628

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this
day..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

J. B. Gruchie
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A. D. 1901

Subscribed and sworn to before me
this..... day of..... A. D. 1901.

9/16 Proof of service
made & filed

NOTICE!

IN THE MATTER OF The application of Joseph Manley
for enrollment as a Cherokee Freedman:

Case No. F. D. 628

To Joe. Manley J. R. Sequichois Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: Sept. 23d at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept., 1901.

L. B. Bell
W. M. Hastings

Attorneys for the Cherokee Nation.

628
F. D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of 190...
M. S. S. S. S.
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190...

Subscribed and sworn to before me
this

.....
Notary Public.

Proof of service made
and original filed with the
DAWES COMMISSION.

OCT 14 1901

NOTICE!

IN THE MATTER OF the application of Joseph Hanley
for enrollment as Cherokee Freedmen:

Case No. F. D. 664.

To Joseph Hanley, or to J. R. Sequichie, his agent:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on October 15th, 1901, at 2 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 7th, 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

F. D.

628

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 190....

Given under my hand this.....
day of..... A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of....., 190....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the..... day of..... A. D. 190....

Subscribed and sworn to before me
this

Notary Public.

Proof of service made
and original filed with the
DAWES COMMISSION.

OCT 8 1901

NOTICE!

IN THE MATTER OF the application of Joseph Vanley,
for enrollment as Cherokee Freedmen:
Case No. F. D. 624.
To Joseph Vanley, or to J. R. Sequichie, his Agent:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on October 15th, 1901, at 2 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 4th, 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

File with case of Joseph Hanley, et al., U.S.D.#422.

Supl.C.T.-D.#430.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER, et al., as Cherokee Freedmen, introduced on part
of Cherokee Nation.

APPEARANCES:

Mr. Smith of Counsel for applicants.

Mr. Davenport, of Counsel for Cherokee Nation.

ELIZA CHANDLER, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation.

MR. DAVENPORT: What is your name? A. Eliza Chandler.

Q Where do you live, Mrs. Chandler? A. In Vinita.

Q How old are you? A. 54.

Q Where were you living at the breaking out of the war?

A. Arkansas.

Q Did you leave the State of Arkansas during the war and your
family? A. Yes, sir.

Q Your father, what was his first name? A. Galding Hunter.

Q Did your father own any slaves at the breaking out of the war?

A. Yes, sir.

Q Do you know whether or not he owned a woman by the name of Mar-
garet? A. Yes, sir.

Q Do you know who she afterwards married and lived with as his
wife? A. Yes, sir.

Q Who did she live with Mrs. Chandler? A. Bob Webber, he goes
by that name.

Q Do you know what became of Margaret during the war? A. Yes, sir.

Q Where did she go? A. We married her to Texas with us.

Q Well, after the close of the war what became of her? A. We
brought her back to Arkansas.

Q You got back to Arkansas in what year? A. In '65.

Q How long did she live with you after you got back to Arkansas,
that is, did she live there at all? A. She only stayed a little
while; they moved up on Butler's creek.

Q Butler's creek, Territory or Arkansas? A. Arkansas, at Mr.
Tittles.

Q Do you know what Mr. Tittles first name was? A. Dan.

Q Did you know Bob Webber before the war? A. No, sir, I first
saw him in Texas.

Q And he came down there while you were in Texas? A. Yes, sir.

Q Did he come back with you and your family? A. Yes, sir.

Q Was he with Margaret when they moved up on Butler's creek in
Arkansas? A. Yes, sir.

Q About what year was that they moved up on Butler's creek at Dan
Tittles in Arkansas? A. It was in the winter of '66.

Q Now, Margaret as I understand was owned by your father at the
breaking out of the war? A. Yes, sir.

Q You don't know of your own knowledge who owned Bob? A. No, sir.

Q Was your father and your mother a citizen of the Cherokee Nation
at that time, or any of your family? A. No, sir.

Q They weren't citizens when they returned from the south, were
they? A. No, sir.

MR. SMITH: Mrs. Chandler, your mother was a Cherokee Indian,
was she not? A. Yes, sir.

Q She is admitted to citizenship here? I understood you to say
here in another case? A. Yes, sir.

Q Well, do you remember what month you returned to Arkansas in 1865? A I think it was in November, I won't be positive.
 Q Not sure? A No, sir.
 Q Well, none of your family owned Robert Webber? A No, sir.
 Q Did you know anything about him before the war? A No, sir, did not.
 Q You say after the war he was married to a woman named Margaret? A It was in time of the war that they come to our house in Texas.
 Q Well, then when you took Robert Webber and Margaret to Arkansas they were still husband and wife there, were they? A Yes, sir, after we come back.
 Q Now, you don't remember the month that they went up on this Butler creek, you are speaking about? A No, sir, they went that winter some time.
 Q You mean the winter in the year you returned? A Yes, sir.
 Q That was in '65? A Yes.
 Q How far from that place where they went to from where you lived? A About 25 miles.
 Q How far did you live from the Cherokee Nation? A I guess it was about two miles and a half.
 Q Lived right on the line? A Yes, sir.
 Q You don't know of your own knowledge where Robert Webber was during the year 1863? A Well, he made a stop up there on Butler's creek and then he moved back that summer down to Pa's, and then he come down here in the Nation, or said he was coming and left his family there at our place until in the fall and then he come back and moved them down in the Nation, I reckon. I have seen her here since I have been in the Nation.
 Q Well, at the time you came back with these people from Texas the war was over? A Yes, sir.
 Q They were free then? A Yes, sir.
 Q They could go wherever they wanted to? A Yes, sir.
 Q And they were only two miles and a half from where you lived to the Cherokee Nation line? A Yes, sir.
 Q Now, you can't state of your own knowledge, either when Robert Webber or his wife first came into the Cherokee Nation after the war was over? A No, sir, I would not try to state.

JOHN F. GUNTER, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John F. Gunter.
 Q Where do you live, Mr. Gunter? A Live in Vinita, Indian Territory.
 Q How old are you? A 46.
 Q Where were you living at the time war broke out? A Living in Benton County, Arkansas.
 Q Your father's name was Cassius Gunter? A Yes, sir.
 Q Did your father own a slave, a woman, at that time by the name of Margaret? A Yes, sir.
 Q Do you know whether or not she was married before the breaking out of the war? A Yes, sir, she had a man named Adam.
 Q What became of Margaret during the war, if you know, Mr. Gunter? A My father took her to Texas.
 Q How long did she stay there? A Until 1865 when we returned to Arkansas.
 Q Did you have her and the fellow by the name of Bob Webber? A Yes, sir.
 Q Did he and Margaret live together as man and wife? A Yes, sir.
 Q Where did you first see Webber? A Hopkins County, Texas.
 Q How long did he stay there? A He stayed there until '65, drove a team back for my father.
 Q To what point did you come? A Benton County, Arkansas.

Q Were your family citizens of the Cherokee Nation at that time?

A No, sir.

Q Were they citizens of the Cherokee Nation at the breaking out of the war? A No, sir.

Q Well, after they came back to Benton County, Arkansas, what became of Margaret and Bob, if you know? A They left my father's house and went to Dan Tittler near Sulphur Springs.

Q What place? A Benton County, Arkansas.

Q Do you know how long they stayed there? A They went there in the winter of '65 and stayed until the fall of '66, made a crop at Dan Tittler; I don't know whether they made a crop or not.

Q Well, what became of them then? A Along in the fall Bob came back to my father's and he and Uncle Dan had fell out and he wanted to move back and my father had a little old smoke house and fixed that up for them and moved his family there, and stayed there that winter, he went away and was gone, quite a while, I don't know where he was, here in the Territory somewhere he said he was going.

Q That was the winter of '66? A Yes, sir.

Q What took place after that? A In the spring of '67, he moved his family here.

Q Do you know who Bob belonged to before the breaking out of the war? A No, sir.

Q You don't know anything about him, about as to who he belonged?

A Only what he told me; he said he belonged to the Webbers.

Q Margaret belonged to your father? A Yes, sir.

MR. SMITH: What Webber did he say he belonged to? A I don't know.

Q Was there an Alex Webber? A I don't know of her.

Q You weren't acquainted with her? A No, sir.

Q You weren't in the Cherokee Nation before the war? A No, sir.

Q Didn't live here? A No, sir.

Q Now, you say, Mr. Gunter, Bob Webber, this applicant moved his family into the Territory in the spring of '67? A Yes, sir, in the spring of '67.

Q Well, now, can you state the month? A No, sir, but it was some time early in the spring.

Q You can't be positive as to the month? A No, sir.

Q Was it as early as first of the year, '67? A No, sir, grass was up, cattle was grazing on the grass, and the first I can remember it, my father made Margaret a present of a cow and a calf, and sent me out to drive her up and get her off of the grass; it was a young calf, he took them with him.

Q Robert Webber had made preparations to make to the Cherokee Nation before that? A I think he went to George Beach, on Barron Ferry before that.

Q That was in the winter of '66? A Yes, sir, at least he was gone quite a while.

Q That is where he said he was going? A That is where he said he was going.

Q Well, your father and your mother and children were all admitted to citizenship here after the war? A Yes, sir.

Q That was in what year? A 1880.

Q This woman, Margaret, that used to belong to your father was this man's first? A Yes, sir, lived with him.

Q This man you speak of her having been with that was in Slavery times? A Yes, sir.

Q What became of Adams? A He went to Kansas I was told.

Q Who did Adams belong to? A Belonged to my father.

Q Why didn't he go with your father? A He went away before we fled.

Q Was he sold? A No, sir, in '63 when the army came down there was a number of our slaves went away and some of them returned and some of them didn't, there is one of them lives up here at Fort Scott.

Q Well, this man Adam that you speak of and Margaret, they were just simply living together under the fashion of slaves at that time?

A Yes, sir.

Q No marriage about it? A No, sir.

Q They were separated from each other by the exigencies of war?

A Yes, sir.

Q You never heard of Adam afterwards? A Yes, sir, I have heard of him.

Q You never seen him? A No, sir.

Q Do you know how Robert came down to Texas? A Yes, sir, I know how he came to Hopkins County, he came with Dan Tittles and Jim.

Q Do you know whether the Pin Indians ever got him or not? A No, sir.

Q Did you ever hear? A No, sir, I heard Dan Tittles bought him and took him to Texas; the Pin Indians didn't come that way.

Q Do you know whether he was ever captured from the Pin Indians by anybody? A Never heard of it.

Q All you know about Robert Webster is that he came to Texas?

A No, sir.

Q Mr. Gunter, your mother was a Cherokee by blood? A Yes, sir.

Q And you say she was brought up in the Cherokee Nation?

A Yes, sir, she was born and raised in the Cherokee Nation.

Q Was she in the Cherokee Nation when she married? A Married just across the line.

Q Living in the Cherokee Nation when she married? A Yes, sir.

Q And when she married your father went across the line of Arkansas to live? A Yes, sir.

Q During the time of the war did she claim to be a Cherokee Indian?

A Yes, sir.

Q Draw money? A Drew money in '53 I believe it was.

Q What money was that? A Old settler money.

Q Did she exercise any other rights or did any of your family before the war? A No, sir.

Q You didn't live in the Cherokee Nation? A No, sir; never except her mother and brothers and sisters, none of our immediate family.

Q But in the year 1880 she was formally admitted by an Act of the Council? A Yes, sir, Court created by the Council.

Q Mr. Gunter, can you state whether there were many or few of these Acts of Admission? A Admitting people to citizenship?

Q Yes? A Yes, sir, there were a great many.

Q They were applied for in favor of persons living in the Nation and claiming to be citizens? A Yes, living out and wanted to return, that is, had been citizens at one time and moved out and forfeited their citizenship; they applied to the Council for readmission. My mother being residing in the Territory and going out she forfeited her citizenship.

Q That is she stated she had forfeited it, you don't know whether she forfeited or not? A That is her understanding.

MR. DAVENPORT: What brought up the question of their applying to the Council, Mr. Gunter, if you know? A It was the understanding of the laws and constitution of the Cherokee Nation.

Q If they expected to participate in the benefits of the Cherokee Nation, they must be readmitted? A Yes, sir.

Q Your father was not a citizen of the Cherokee Nation?

A No, sir.

MR. NEEDLES: What was your father's property was your mother's

A I don't know.

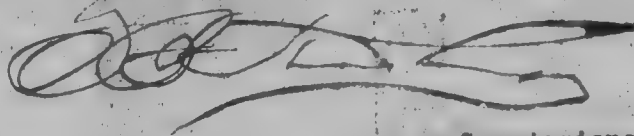
Com'r Needles: This testimony will be made part of the case at bar and made part of the record in D.#663, D.#628, D.#691, and D.#680.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 19th, 1901.



Commissioner.

COPIES OF THIS DOCUMENT ARE

File with case of Joseph Manley, et al., C.F.-D.#426.

Supl.C.F.-D.#630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER as a Cherokee Freedman: Introduced on part of the
Cherokee Nation.

APPEARANCES:

Mellotte & Smith, Attorneys for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

J. M. TITTLE, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A. J. M. Tittle.

Q What is your post office? A Vinita.

Q How old are you? A 55

Q Do you know Robert Webber, the applicant in this case?

A Yes, sir.

Q How long have you known him? A Ever since about '63, '62 or 3

Q Did he ever be long to any of your family? A He belonged to
my father.

Q Where did your father live? A He lived in Benton County, Ark-
ansas.

Q Did your father move away from Benton County, Arkansas?

A No, sir.

Q Did they go south during the war any of your family, or do you
know? A My family stayed there, but we went south.

Q Well, what became of Bob during the war, if you know?

A He taken him south.

Q Well, did he come back? A Yes, sir.

Q Where did he go to? A Come up to our place.

Q Where was that? A In Benton County, Arkansas.

Q How long did he stay there with you? A He come there in the
fall of '65 and stayed until the fall of '66.

Q At that time where was your family residing? A In Benton
County, Arkansas.

Q How long had they been residing in Arkansas? A About 15 years.

Q Were they or were they not recognized citizens of the Cherokee
Nation? A Not then, we was outside of the Cherokee Nation then.

Q Well, after the close of the war you say you returned back to
your old home place, in Benton County, Arkansas? A Yes, sir.

Q Did you ever move back to the Cherokee Nation? A Yes, sir.

Q That year did you move back? A We come back in '67.

Q Were they recognized citizens of the Cherokee Nation at that time
some action taken to the establishing of rights? A We had to es-
tablish a right; my father was admitted and married after he came
back to the Cherokee Nation.

Q Was it your father had the Cherokee blood or mother? A Mother.

Q When was she was admitted in 1867? A Yes, sir.

Q Did your father marry again? A Yes, sir.

Q Do you mean he was married twice according to the laws of the
Cherokee Nation? A He married and went off and come back and mar-
ried again.

Q Where did your father marry again? A In the

Cherokee Nation.

Q How long after he was married the first time? A Yes, sir.

Q Now, what was the child? A That was the child in 1868 I

guess it would be.

Q About what year? A About 1868 or 1869.

Q Would you want to point it

mp; it was in '46.

Q He was in this Cherokee Nation, Indian Territory? A Yes, sir.

Q Now, then, when he married, he was a citizen? A Yes, sir.

Q How long did he continue to live in the Cherokee Nation?

A He lived there when I was about five years old; let's see, married in '46, that would be, I think we left there in '52.

Q Where did you go? A First went to Texas and stayed there a while and came back to the Cherokee Nation and stayed until after the old Settler payment and went to Arkansas; we drew money in the old Settler payment.

Q Your family all drew money in the old Settler's payment?

A Yes, sir.

Q In what year was that? A I think that was in '62; '1 or '2.

Q How long after that was it before you went into Arkansas?

A Right away after that.

Q How many years? A Oh, I guess probably inside of a year or such matter.

Q Where did you live in Arkansas? A Benton County.

Q How far from the line? A What line, Arkansas line or Missouri line.

Q The Cherokee Nation line? A It was about ten miles from Cherokee line and three miles from Missouri line.

Q What was your father's name? A Dan Tittle.

Q Who did your father get this man from? A Fellow by the name of John Grinnett.

Q When did he get him? A About '62.

Q Where did he get him from? A Down here about Mayesville.

Q Who is Grinnett? A He is said to be the owner of Bob, who he bought him from.

Q Where did Grinnett live? A He lived down there in the Nation somewhere.

Q He was a Cherokee, Grinnett was? A I don't know whether he was or not.

Q Did you ever know Grinnett? A No, sir.

Q Well, do you know what date it was that he bought this man?

A I think it was in '62, I think.

Q It was after the war had commenced? A Yes, sir.

Q It might have been in '63? A It was in '62. Somewhere along there as well as I remember about it.

Q You think it could not have been as late as 1864? A No, for we had him before he was bought, and we kept him there and went down on the Arkansas river and come back there and found Grinnett and bought him.

Q It was either in '62 or '63 your father bought him? A Yes, sir.

Q He had been captured and taken there? A Yes, sir, went down there and come back and he bought him.

Q Do you know who he had been captured from? A Only what he said; he said he belonged to as well as I remember, he belonged to Mrs. Webber, and Mrs. Grinnett was a daughter of Mrs. Webber.

Q What was Webber's name? A I don't know.

Q Did you ever know an Akay Webber? A No, sir.

Q Akay Webber was a citizen of the Cherokee Nation when the war came up? A I don't know.

Q Now, you claim that your father owned this man in '62 or '63?

A Yes, sir.

Q Where did he own him? A Benton County, Arkansas.

Q Who lived near him when he owned him? A In the settlement there?

A Yes. A The nearest fellow in the neighborhood was a man by the name of Wells, and Thomas.

Q Are they living there now? A I guess they are all dead now.

Q Does anybody but you know that your father owned this man?

A Yes, sir.

Q What? A Well, Thomas, living at Bentonville, Arkansas, and

Eph Thompson that lived on Butler's drack where I lived, he is living there yet.

Q How long do you claim this man Robert Webber was with your father from the time you say your father bought him? A He must have been with him including the time we left, three or four years.

Q What time you say he left your father? A He left him in the fall of '56.

Q Well, it was a man named Grinnett that your father undertook to buy him from? A That is the man he bought him from.

Q After the man had been captured and taken out of the Indian Territory? A Yes, sir.

Q And you don't know what right Grinnett had for selling if he had any? A No, sir, claimed he sold him.

COM'R NEEDLES: As I understand your father before that was a citizen of the Cherokee Nation? A Yes, sir.

Q And when did he come back to the Cherokee Nation?

A He come back in '57.

Q And was re-admitted? A Yes, sir.

Q And this darkey was not with him then? A No, sir.

MR. SMITH: Now, Mr. Tittle, you lived in Arkansas after you went out after the old settler payment; what property did your father have back in the Cherokee Nation? A He didn't have any when he lived there; he killed a man and they kept hunting him.

COM'R NEEDLES: He refused over there? A Yes, sir, he stood his trial and come plenty.

Q Where did he stand his trial? A Right on the line right close to High Case at that time.

Q In the Cherokee Nation? A In the State.

Q He killed a man in the State? A Killed an Indian in the State and tried him right at the place he killed him.

Q When he killed the Indian he was living in the Cherokee Nation?

A No, sir, he was living in the State; right within a quarter of where he killed him; but I had been born in the Nation.

MR. SMITH: What court did they try him in in the State of Arkansas? A Arkansas Court.

Q What Court? A Courts from Bentonville come down there and tried him.

Q Tried him in Bentonville? A No, sir.

Q They had to have a court there? A I don't know; they tried him at Cal Gunter's right on the edge of Lindsey's prairie.

Q It is the English Circuit Court in Benton County, Arkansas, tried him? A I could not tell you; they come there and tried him.

Q What did they try him in? A Tried him in Cal Gunter's house.

Q You don't claim that it was a court of the State of Arkansas?

A Yes, sir.

Q Come down to Cal Gunter's house? A Yes, sir.

Q They were very accommodating at that time?

A I can't tell you anything about that; that was where he was tried.

Q Well, now, during all that time he claimed to be a citizen of the Cherokee Nation? A He was not at that time; was tried because he was living in the State of Arkansas.

Q That didn't keep him from being a citizen because he was not living in the Cherokee Nation? A He was not a citizen at that time.

MR. DAVENPORT: This was a trial before a Justice of the Peace? A I don't know; they had a trial and he come blocks I was a small boy, about five years old; there was about three hundred men with him and the Indians had gathered five or six hundred with them, and he was tried right there at the line.

COM'R NEEDLES: This will be made part of the record in the case at bar, and also D-625, D-662, D-691, D-680.

J. O. Benson, being first duly sworn, deposes that as stenographer to the Commission to the two Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

J. O. Benson

Subscribed and sworn to before me this November 3rd, 1901.

[Signature]

Commissioner.

TYPE BY PERCO

F. D. 628

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of....., 190...

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A. D. 190...

Subscribed and sworn to before me
this.....

Notary Public.

PROOF OF SERVICE made
and original filed with the
DAVES COMMISSIONER
FEB 11 1902

NOTICE!

IN THE MATTER OF the application of Joseph Manley
for enrollment as Cherokee Freedmen:

Case No. F. D. 628

To Joseph Manley or J. R. Sequechie agent

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 17, 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb-4-1902

L. B. Bell

M. W. Hastings
Jess. Daumport

Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Deigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. H. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A. Mrs. Lydia Barton.

Q. What is your postoffice? A. Fort Scott, Kansas.

Q. Do you hold any official position at the present time? A. Yes, sir.

Q. What is it? A. County Clerk.

Q. Of the county in which Fort Scott is located? A. Yes, sir.

Q. Have you an official paper? A. Yes, sir.

Q. What is it? A. Our official paper at the present time is the Republican, but that changes you know from time to time.

Q. Do you know what your official paper was in December, 1866, and up to and including March of 1867? A. Yes, sir.

Q. What was it? A. The Fort Scott Monitor.

Q. Are you required to keep files of this paper in your office? A. We are.

Q. Have you a file of the official paper including December, 23, 1866? up to and including March of 1867? A. Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 23, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSIONER: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder."

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd, inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Mackey, had been arrested, and is in jail, charged with the crime. There would not seem to be any, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the irascibility was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice H. R. Love was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Burt Williams, Joe Fardani, and B. L. Philline. The body of Mr. Hayford was removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Herber and a post-mortem examination, had testified that they found four pistol or gun-shot wounds on the body, namely a Dyer Hayford, then living, dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the last nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other passing downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired by Mackey when he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonso Oullin, (doctor), sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback to my house at the door, went in and found Hayford alone, and coming toward the door. Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the floor when I went in. Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him I was there to get on my horse and follow Mackey and see if he had the flour; and he rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight. I rode close to him; he put his hands up to his sides and was blowing right and left; I inquired if he had a star with a rope on his back; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he was on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him, saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had the flour with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver, when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get the flour to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard these shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house; at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun, didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. J. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer. I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Monroe Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out. Immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Vesly Blokey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to ring Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Hargrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was reined in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mac'ey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors."

Murderer of Hayford captured and hung;
Tragic events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 26th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shot that was fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time he hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender, but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hayford last winter. All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation.

and bloodthirstiness. We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always deprecated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. See was brought into the city, and on Friday after a funeral sermon by Mr. Lewis was escorted by a large procession, headed by the leaders of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '82, December? A I have lived there ever since '82.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '80? A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the south; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Macoy.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

- Q That this other man here with you? A Yes, sir.
- Q About how long after this reported killing? A I heard two shots fired, then run down there and ran over him; I lit a match and this man drew his breath twice; from the time the shots fired I wouldn't it was more than twenty minutes.
- Q Twenty minutes? A Yes, sir.
- Q Had it become generally known at the time of the arrest? A No, sir.
- Q There was no time for the public to know? A Only a few people know; I heard the shots fired myself and run down there.
- Q And a few people know that the killing had taken place before he was arrested? A Yes, sir.
- Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
- Q Was he put in jail? A Yes, sir.
- Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
- Q Of February following, of 1892. A Yes, sir.
- Q Well did he make his escape? A He got away.
- Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
- Q Ed Coe was the turnkey, was he? A Yes, sir.
- Q I will ask you then if there was any searching parties out for this man? Yes, sir.
- Q For how long? I think he was killed on the 26th of March.
- Q From then about the 26th of February until the 26th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
- Q Well were there quite a number of people out searching for him? A Yes, sir.
- Q Considerable excitement at that time? A Yes, sir.
- Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched barns, they looked around for him, but failed to find him.
- Q Up until that time? Yes, sir.
- Q You say that was for about three weeks? A Yes, sir, something over three weeks.
- Q From the 26th of February up until about the 26th of March? A Yes, sir.
- Q Do you know whether this Eli Hickey was reputed to be a Cherokee darger or not? A Yes, sir, he was.
- Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
- Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Hickey until he broke jail.
- Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; houses in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
- Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone. I lit a match and he was too far gone to speak.
- Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
- Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. H. C. Jones.

Q What is your postoffice? A. Fort Scott.

Q Kansas? A. Kansas, yes, sir.

Q What is your age, please sir? A. 66.

Q Were you holding any office in the town of Fort Scott, Kansas, in December of '68? A. I was.

Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A. I was.

Q What office was that? A. City marshal, called town constable.

Q You was a city policeman? A. Yes, sir.

Q Did you assist in his first arrest? A. I did.

Q Who assisted you in the arrest? A. Mr. Benjamin Files.

Q This man that's present here? A. Yes, sir.

Q Did you hear the shots that killed Hayford? A. I did.

Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?

A. 20 or 25 minutes, inside of a half hour at most.

Q Very short time? A. Yes, sir.

Q Had any houses or wagons or anything of that kind been searched in the mean time? A. No, sir, there was no knowledge.

Q People didn't generally know it up to that time? A. No, sir.

Q Put in jail then? A. He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A. Why I think something like six weeks or more.

Q Well the Fort Scott Monitor puts it about February 26th? A. I presume that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A. Up till that time, he was not out of jail except while he was under guard.

Q He made his escape then? A. He made his escape, yes, sir, at the time.

Q You know how long he was at large? A. Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him? A. You mean after?

Q When he got away after February 26th? A. Oh yes, sir, there was considerable hunt for him at that time.

Q Reward offered for him? A. Yes, sir, reward offered.

Q People searched around in the country for him? A. There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured was he? A. Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A. He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSIONER: You are positive about these dates? A. To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q '67? A. In '66 the killing was done.

Q Few days before Christmas of '66? A. Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Come now the Agent for the applicant and moves the Commission to derive from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases, No. D-394, D-395, D-396, D-401, D-402, D-404, D-407, D-775; and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Croninger, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Croninger

Subscribed and sworn to before me this 23rd day of July, 1902.

Philip G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 20, 1902.

In the matter of the application of Joseph Manley for the enrollment of himself, wife and children as Cherokee freedmen.

SUPPLEMENTAL TO D-828.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's agent, J. R. Sequichie, Chelsea, I. T., that it would on the 20th day of May, 1902, at the office of the Commission, introduce testimony tending to disprove the right of Joe Manley and others to enrollment as Cherokee freedmen. The agent for the applicant and the applicant have this day been called and fail to appear.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation in 1871 as taken from the records of the Executive Department of the Cherokee Nation, and from a book entitled "Pocket of doubtful cases for Cherokee citizenship tried in 1871," from the colored doubtful roll Tahlequah District, the following:

"No. 52. Alonse Gullin and wife Eliza claiming rights by marriage.

Judgment against claimant June 20, 1871." -

and the following judgment from the same page:

"No. 45. Gullin Manley, too late.

Decided against claimant June 15, 1871."

The Cherokee Nation also asks that the testimony of Lydia Barton taken in the case of Elizabeth Meigs, No. D-381, be filed with and made a part of the record in this case.

COMMISSION: The request of the Cherokee Nation will be complied with and the testimony made a part of the record in the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes here-ported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 2nd day of June, 1902.

J. R. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, April 13th, 1903.

-----M
In the matter of the application of Joseph Manley
for the enrollment of himself; his wife, Kate
Manley, and his children, Ida, Frank, Sarah,
Lelah, Joseph, Willie and Daisy Manley, as
Cherokee Freedmen.
-----M

Cherokee F-2 628.

Morris A. Sorril, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. Morris A. Sorril.
Q. How old are you? A. Why, I will be 28 the 28th of this coming May.
Q. What is your post office? A. Vinita, I. T.
Q. You are not a Cherokee Freedman? A. Yes, sir.

The applicant appears to be listed on Cherokee Freedman
Doubtful #193.

- Q. You are married, are you? A. Yes, sir.
Q. What is your wife's name? A. Ida Manley, before I married
Q. Is she the daughter of Joseph and Kate Manley? A. Yes, sir; oldest daughter.
Q. How old is she? A. She is about 18, I think, as near as I know. She passes for 18.
Q. She is 17. A. She told me she was 18. I don't know. She is nearly 18 by this time.
Q. When were you married? A. Last October. 5th of last October, 1902.
Q. Have you got a marriage certificate? A. Yes, sir; it is out to the house in the trunk.
Q. Will you bring it to the Commission? A. Yes, sir; I can bring it any time.
Q. Have you and your wife Ida been living together ever since you were married? A. Yes, sir; here in Vinita.
Q. In the Cherokee Nation? A. We live here in the town.

.....

Jesse O. Carr on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of May, 1903.

Jesse O. Carr

Samuel Foreman,
Notary Public.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Joseph Wanley, et al'

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MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

Case D-628-

Joseph. Manley, et. al

Witness

Mrs. Elizabeth Davis,

Fort. Scott, Kan.

States

That my age is 57. I
reside in the City of Fort
Scott Kansas I have lived
there since the year 1863
I knowed Alongo, Cullen, or
Manley. He was living at
Fort Scott when I went there
He continued to reside there
until about the year 1873 -
He had a little boy named Joe
He was born in Ft Scott Kan

Cher Fr D 629

Cher Fr D 629

File with Cherokee Freedmen, B-629, 4 - The Freedmen

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, T.F., May 16, 1901.

In the matter of the application of Katie Blackwell for the enrollment of herself, one son, one niece and a nephew as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Katie (Goody) Blackwell.
Q How old are you? A I don't know my age, somewhere about 55 years old, I guess.
Q What is your postoffice address? A Nowata.
Q What district do you live in? A Coowessawnee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir.
Q Is your name on any of the Cherokee rolls? A On the Wallace and Clifton Roll.
Q Who do you want to enroll besides yourself? A I got six children
Q Give me the names of your children? A Henry Chambers.
Q How old is he? A About 28.
Commissioner: He must apply for himself.
Q Have you any under age? A I have two under age.
Q What are their names? A Bertie Tinner.
Q How old is she? A About 16.
Q What is your other child's name? A Thomas Ross.
Q How old is Thomas Ross? A About 18.
Q Are you married? A Yes, sir.
Q What is your name? A Katie Goody.
Q What is your husband's name? A I got my papers here. My first husband is dead, Lucius Blunt.
Q You were married at one time to Lucius Blunt? A Yes sir.
Q Is he living? A No sir.
Q Was that your first husband? A Yes sir.
Q Who was your second husband? A John Blackwell.
Q Is he living? A Yes sir.
Q Did you separate from him? A No sir, I am living with him now.
Q How does your name happen to be Goody? A I married a Goody; I married Lewis Goody, some called him Lewis Blunt, but his name is Lewis Goody.
Q Have you been married twice? A Yes sir, I have been married three times.
Q Who was your first husband? A Thompson.
Q He is not living? A No sir.
Q Your second husband was Blackwell? A My husband now is Blackwell.
Q Is your name Blackwell now in place of Goody? A Yes sir, Blackwell.
Q You first married Blunt? A Yes sir.
Q He is dead? A Yes sir.
Q Who did you marry next? A Blackwell.
Q Your second husband was named Thompson, wasn't it? A Yes sir.
Q Is he living? A Yes sir.
Q Did you get a divorce from him? A No sir.
Applicant presents a certificate of marriage certifying that she married one John Blackwell according to the laws of the United States on the 6th day of February, 1899.
Q What did you marry Blackwell for before you got a divorce from Thompson? A I don't know, Mr. Thompson was divorced, I guess; he married again.
Q Is Bertie Tinner your child? A That is my niece.
Q Have you any children of your own? A No sir, none but a boy.
Q What is his name? A Thomas Ross.

- Q Is he your child? A Yes sir.
- Q You are the mother of Thomas Ross, are you? A Yes sir.
- Q How about this Gertie Tinnon, you say she is your niece?
- A Yes sir.
- Q What is her mother's name? A Dicey Tinnon.
- Q Is she living? A No sir, she is dead.
- Q What relation is Dicey Tinnon to you? A My sister.
- Q Were you a slave during the war? A Yes sir.
- Q Who did you belong to? A Mary and Tom Sanders.
- Q Were they citizens? A Yes sir.
- Q Were you taken out of the Cherokee Nation during the war?
- A Yes sir.
- Q Where to? A Choctaw Nation.
- Q You were not taken any farther South than in the Choctaw Nation?
- A No sir.
- Q When did you come back? A I come back in '66; I come to Gibson.
- Q You came to the Cherokee Nation in '66? A Yes sir.
- Q You have lived in the Cherokee Nation ever since '66? A Yes sir.
- Q Never went back to the Choctaw Nation? A I went back to the Choctaw Nation and come again.
- Q When did you go back to the Choctaw Nation? A I went back after '66, come to Webbers Falls in '68.
- Q When did you come back from the Choctaw Nation the second time?
- A Come back - I forget.
- Q How long did you live down in the Choctaw Nation after we went back? A I lived there six years after I first come here.
- Q And then come back here? A Yes sir.
- Q Did you marry down there? A Yes sir.
- Q Did you marry a Choctaw? A Yes sir, married a Choctaw.
- Q What was his name? A Albert Thompson.
- Q Albert Thompson was a Choctaw then? A Yes sir.
- Q Have you ever applied to be enrolled by the Choctaws? A No sir.
- Q Have you got any children by Thompson? A Yes sir.
- Q They are grown, are they? A Yes sir.
- Q Where was Thomas Ross born? A Over here on Panther Creek.
- Q Where was Gertie Tinnon born? A On Panther Creek.
- Q Both in the Cherokee Nation? A Yes sir.
- Q Your sister Dicey is dead? A Yes sir.
- Q Did she belong to the same persons that you did? A She belonged to the same persons I did.
- Q Did she go out with you to the Choctaw Nation? A Yes sir.
- Q Did she come back with you? A Yes sir.
- Q But she lived in the Choctaw Nation until she died? A No sir, she died here.
- Q Did she come back to the Cherokee Nation with you? A Yes sir.
- Q And she lived in the Cherokee Nation then until she died?
- A Yes sir.
- Q Have you got any proof, any witnesses? A Yes sir.
- Q Who are they? A Charles Chambers and Jim Alberty.
- The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicant and her deceased daughter are not found thereon.
- The Kerns Clifton Roll examined and the name of the applicant is found on page 162, No. 4012, Katie Goody, Coowasee District.
- Q Did you draw money for Gertie and Tom? A Yes sir, the last payment.
- The Kerns Clifton Roll examined and the name of Gertie Tinnon is found on page 171, No. 4214, in Coowasee District.
- Q What is the name of the child, you have another you want to enroll? A Lennie Tinnon.
- Q How old is Lennie Tinnon? A About 12 years old.
- The Kerns Clifton Roll examined for Lennie Tinnon and his

name is found on page 172, No. 4213, in Cherokee County, Miss.
Q Where does Lennie live? A He lives in Sequoyah District with
my sister. My sister is dead and my brother-in-law has got him.
Mr. Johnson says.

Q Would he enroll him? A No sir, he ain't been here to enroll him.

The Kenna Clifton Hall examined and the name of the appli-
cant's son is found on page 172, No. 4207, Fox Ross, Cherokee
County District.

Q You had a husband named Ross? A No sir, I had a child named Ross
B. Bell. You say Lennie lives in Sequoyah? A Yes sir, where
Johnson says lives.

Q What authority have you got to put him on? A I thought I would
put him on, my sister is dead. My sister died down here at Brushy.

Q Are you guardian for him - we don't want two put on? (No answer.)

Q Where was this child born at? A Born right over on Panther Creek
they were all born over there.

Q How long has his mother been dead? A I reckon she has been
dead about five years if I ain't mistaken.

Q Is she on the roll of 1880? A No sir.

Q Are you on the roll of 1880? A No sir.

Q When was this Lennie born? A I don't know exactly.

Q Where was it? A Over here on Panther Creek, right across south
of Lightning Creek.

Q In Cherokee County District? A Yes sir. My sister died after
the Wallace payment.

Q You married in the Choctaw Nation after you went back in 1867?

A Yes sir.

Q How long did you stay here after you came here in '67? A About
one year.

Q You are certain that you didn't live there about six years? A I
went back and stayed about six years.

Q Where did you land at in the Choctaw Nation when you came back?

A I came to Webbers Falls and when I last returned I came to Hob-
bers Falls and then to Gibson.

Q The first time you came to Webbers Falls? A Yes sir, and then
to Gibson.

Q Did you stop at Webbers Falls any length of time? A No sir.

Q When you came to Gibson, did you stop there any length of
time? A When I came, I came to Webbers Falls. I came from Webbers
Falls to Gibson, and then I went to the Choctaw Nation.

Q After you came back from the Choctaw Nation? A I came to
Gibson and then up to Tahlequah.

Q How long did you stay at Tahlequah? A I stayed at Tahlequah
about six or seven years.

Q Who did you live by there? A There was a lot of folks there.

Q Name some the that ain't dead? A Miss Barnes.

Q Ain't she dead? A I don't know.

Q Name a live one? A I don't know, Parks was here and Thompson.

Q These Parks were those then? A Yes sir.

Q Did you live right in Tahlequah? A I went up on Henry Hays's
place and from there to Susanna Ross's place.

Q You stayed at Henry Hays's place the first time after you came
back from the Choctaw Nation? A Yes sir.

Q These Parks knew you? A Yes sir.

Q You came directly to Gibson from the Choctaw Nation and on to
Tahlequah? A Yes sir, that I direct came back to the Choctaw.

Q Leave that off, and go to where you started from the Choctaw
Nation the second time? A I came through to Webbers Falls and
stayed there for a while.

Q You came to Webbers Falls, stayed a while, came to Gib-
son and stayed a while and then went back to the Choctaw Nation? A If
I ain't wrong it up. I came to Webbers Falls and from Webbers
Falls to Gibson and stayed there the first, and then went back to

the Choctaw Nation.

Q. Begin now, you stayed in the Choctaw Nation six years, and then you started back here - where did you come to on the second trip?

A. I came to Gibson and from Gibson to Tallapoosa.

Q. You came through Gibson and went on to Tallapoosa? A. Yes sir.

Q. Then you stopped and stayed on Henry's place one year?

A. Yes, sir, one year.

CHARLEY CHAMBERS, being sworn and examined by Commissioner Needles, testified as follows:

Q. What is your name? A. Charley Chambers.

Q. How old are you? A. Seventy years old.

Q. What is your occupation? A. Indigo.

Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.

Q. Is your name on the roll of 1880? A. Yes sir.

Q. Do you know the applicant here, Fannie Blackwell? A. Yes sir.

Q. How long have you known her? A. I have been knowing her ever since the war commenced.

Q. Was she a slave? A. Yes sir.

Q. Who did she belong to? A. She belonged to James Sanders.

Q. Do you know whether she was taken out of the Cherokee Nation during the war? A. She wasn't taken out that I know of; yes, she was out of the nation.

Q. Where did she go to? A. To the Choctaw Nation.

Q. Do you know when she came back to the Cherokee Nation? A. She came back, the first I saw of her along in '86.

Q. You saw her in '86? A. Yes sir.

Q. Where? A. I saw her at Gibson the first time.

Q. Have you seen her occasionally since that time? A. I seen her then again at Tallapoosa.

Q. After that? A. Yes sir.

Q. Where did you see her after that? A. I never seen her no more after that. I never seen her anymore until she come back again.

Q. She went to the Choctaw Nation? A. She went back to the Choctaw Nation and I never seen her until she come back again.

Q. How long, five or six years? A. Yes sir, as much as five or six years.

Q. Have you seen her occasionally since that time? A. Yes sir.

Q. She has lived in the Cherokee Nation since that time? A. Yes sir.

Q. Do you know her children? A. I know that when I see them; I just can't name them all.

Q. Do you know Corrie Hignott? A. I know her, yes, sir, when I see her.

Q. Do you know the boy, Samuel? A. Yes, sir.

Q. Is he living? A. Yes, sir, he was living with her when I first knew him.

Q. You don't know whether he is alive to-day or not? A. No sir, I don't.

L. B. Bell: What time is the year 1881, did you see this applicant?

A. It was along in the spring when I seen her.

Q. That is along in April or May? A. Somewhere along there; I couldn't tell you the month, anyhow the grass and leaves were out.

Q. What were you doing in Gibson then? A. I was riding around.

Q. What riding around? A. Riding around, sir.

L. B. Bell to Applicant: You brought you back to Webster Falls?

A. I come back to my mother, she and my mother.

Q. Where is your home? A. No sir.

Q. Where did you start from when you started back to Webster Falls?

A. I started from here.

Q. Where did you start from? A. From the Choctaw Nation.

Q. The Choctaw Nation is a good big place? A. From B. L. Creek.

Q. Old Dave Johnson's old creek? A. Yes sir.

Q. Close to Henry's place? A. Yes sir.

Q. What time of the year did you start from there in 1867?
 A. Why it was along in the spring.
 Q. The grass was up, was it? A. Yes sir.
 Q. How did you come? A. Come by wagon.
 Q. About how long was you on the road? A. Well, I don't know, sir, how long we were on the road.
 Q. A month, I guess it was one hundred miles or two? A. I guess it was, I don't know how far it is from here to the Choctaw Nation.
 Q. I mean from Thompson's Salt Creek down to Webbers Falls? A. I don't know how far.
 Q. Were you as much as three weeks on the way? A. Yes, and maybe four.
 Q. How long did you stop at Webbers Falls? A. We didn't stop very long at Webbers Falls.
 Q. A week or two? A. About one week or two.
 Q. And then you came to Gibson? A. Yes sir, came right on through.
 Commissioner of Applicant: Your first husband's name was Thompson?
 A. Yes sir.
 Q. Your second husband was Blunt? A. Yes sir.
 Q. Your third husband was Blackwell? A. Yes sir.
 Q. What was your father's name? A. His name was, as good as I can recollect, his name was John Fox.
 Q. Do you know what your mother's name was? A. Martha Downing.
 Q. Who did you say you belonged to? A. Mary Sanders and Tom Sanders.
 L. B. Bell: Are they both dead? A. My master is dead. I don't know whether Mary is dead or not.

JIM ALBERTY, being sworn and examined by Commissioner L. B. Needles, testified as follows:

Q. What is your name? A. Jim Alberty.
 Q. How old are you? A. 78 years old.
 Q. What is your postoffice? A. Chautauk.
 Q. Are you a Freedman? A. Yes sir.
 Q. Your name is not on the roll of 1880, is it? A. No sir.
 Q. Do you know the applicant here, Katie Doody or Katie Blackwell?
 A. Katie Coody, yes sir.
 Q. Was she a slave before the war? A. Yes sir.
 Q. Who did she belong to? A. To the Sanders.
 Q. Do you know whether she was taken out of the Cherokee Nation or not during the war? A. Yes sir.
 Q. Where to? A. She went South.
 Q. To the Choctaw Nation? A. Yes sir.
 Q. Do you know when she returned? A. Yes sir.
 Q. When? A. In '66.
 Q. How do you know that? A. I saw her at Gibson in '66.
 Q. Do you know how long she stayed in the Cherokee Nation at that time? A. No sir.
 Q. You don't know whether she went back to the Choctaw Nation or not? A. No sir.
 Q. But you saw her in '66 in the Cherokee Nation? A. Yes sir.
 Q. Did you know her then? A. Yes sir.
 L. B. Bell: What time in the year of '66 did you see her? A. It was kind of warm weather. I don't know exactly what time.
 Q. Was it summer or spring? A. I think it was summer. It was warm.
 Q. Were you living then at Gibson? A. No sir, I never lived at Gibson; never was there but three days at a time in my life.
 Q. You just happened to be there that day? A. Yes sir, I used to go there pretty often.
 Q. Did you see her there pretty frequently for the next two or three years? A. No sir.
 Q. Did you see her anymore? A. No sir.
 Q. You saw her at that time? A. Yes sir.
 Q. Where did Sanders live when she belonged to? A. They lived alone to Flint at that time, I reckon it is.
 Commissioner Needles: In Flint District you mean, do you?
 A. Yes, sir, I thought it was Flint.
 L. B. Bell: Were you ever at the house? A. Yes sir, I have been

at the house; that is not right at their house, I met them at a church.
Q Name someone in that neighborhood? A I wasn't acquainted there.

Q You seemed to be, you know this woman pretty well? A They were raised with me. Sanders' aint the first people that raised them.

Q They were raised on a place with you? A Not here, but older people.

Q I am asking you what you know about her? A I told you what I know about her.

Q You don't know where she did live, only that she lived in the nation? A That is all, I never was at her house.

Q You never seen her until you met her in '66? A Yes sir, I saw her before.

Q Where did you see her before? A On Peavine Creek near the Whitmire place.

Q That was a creek, down in Goingsnake district, wasn't it?
A I don't know where it was.

Q What did you understand by Peavine? A That is what they called it, the creek, Peavine.

Q Was you ever down on Peavine? A Yes sir.

Q When? A Before the war, I come from there.

Commissioner Needles: You say Sanders' lived in Flint District?
A I don't know exactly; it was down in that way.

Q You are not positive whether it was Flint District or not?
A No sir.

Commissioner or Applicant: You know that these three children, Gertie Tinnon, Lunnie Tinnon, and Thomas Ross are alive now are they?
A Yes sir, I brought the little girl with me.

Q Where is your boy? A He is in jail.

Q Who is Lunnie living with? A He is living with Johnson Vann.

Katie Blackwell applies for the enrollment of herself, her sister's children, Gertie Tinnon and Lunnie Tinnon, and her child, Thomas Ross. She avers that she was a slave of the Sanders family, Mary and Tom Sanders. She avers that she was taken out of the Cherokee Nation into the Choctaw Nation, and returned in '66. Her name is not found upon the authenticated roll of 1880, nor the census roll of 1890. Her name is found upon the Kerns Clinton Roll, and the name of the three children, Gertie Tinnon, Lunnie Tinnon and Thomas Ross, are found upon the Kerns Clinton Roll. She avers that she has been married three times; first, to Thompson; second, to one Blunt or Coody, and thirdly, to her present husband, John Blackwell. She is duly identified according to page and number of the roll as indicated in the testimony, and makes satisfactory proof as to residence. By reason of the fact that her name is not found upon the authenticated roll, and of the protest of the Cherokee Nation, she and the children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. When the Commission arrives at a decision in her case, she will be notified of the same by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. G. Rotherberger.
Subscribed and sworn to before me this 20th day of May, 1901.

Signed, C. H. Bruckinridge,
Commissioner.

.....
Bruce C. Jones, being duly sworn, says that as stenographer to

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COMMISSIONER OF THE LAND OFFICE
DEPARTMENT OF THE INTERIOR

APR 12 1900

TO THE COMMISSIONER OF THE LAND OFFICE
FROM THE LAND OFFICE

ORDER TO THE COMMISSIONER OF THE LAND OFFICE
TO THE COMMISSIONER OF THE LAND OFFICE

[Handwritten signature]

CO. H. O. L. Y. O. K. E. M. A. S. S. I.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 8, 1901.

In the matter of the application of Mattie McHair for the enrollment of herself and one child as Cherokee Freedmen.

Appearances:

Mallette & Smith, attorneys for applicants;
W. T. Hastings, of counsel for Cherokee Nation.

Mattie McHair, being duly sworn and examined by Commissioner Hoodless, testified as follows:

- Q What is your name? A Mattie McHair.
Q How old are you? A I am 39 years old.
Q What is your post office address? A Wimer.
Q What district do you live in? A Coconino district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other Nation or tribe? A No, sir.
Q Is your name on the roll of 1897? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir, it is on the Wallace and the Horn-cliffen.
Q Who do you desire to enroll besides yourself? A No and one child.
Q What is the name of your child? A James Landrum.
Q How old is he? A 11.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Alfred McHair.
Q Is he a citizen? A Yes, sir.
Q Are you living with him now? A Yes, sir.
Q Did you not apply for him? A No, sir.
Q Were you ever married before? A Yes, sir.
Q Who to? A Willie Hayfield.
Q Is he living? A No, sir.
Q Were you ever married before that? A Yes, sir.
Q Who to? A George Hill.
Q Is he living? A Yes, sir.
Q Is he your first husband? A Yes, sir.
Q James Landrum, was he born before you were married to anybody? A Yes, sir.
Q Your first husband was George Hill? A Yes, sir.
Q You have been married three times, and James Landrum was born before you were married to anyone? A Yes, sir.
Q Mr. Mallette, what was your mother's name? A My mother's name was Hannah Vann.
Q Is she a sister of Katie Blackwell who has applied for enrollment here? A Yes, sir.
Q Your mother was a sister of Katie Blackwell, who has applied for enrollment, Doubtful card 357? A Yes, sir.
Q Well, where have you lived since your birth? A I have lived in the Cherokee Nation.
Q How do you know Mary Riley, who applied for enrollment to-day? A Yes, sir.
Q What relation was she to your mother? A My mother's sister.
Q Where were you born? A In the Nation, Cherokee Nation.
Q Where? A Well, I don't know.
Q Have you been informed where you were born? A No, sir, I haven't.
Q Where have you lived since your birth? A I have lived in Tallapoosa.
Q In what country? A I have lived in the Cherokee Nation.
Q What was your mother's first name? A My mother's first name was Nancy.
Q Nancy what? A Nancy Morgan.
Q Do you know what her mother's name was? A My mother's mother

Mattie McNair - 2.

name was Martha Thompson, by her husband's name.

Q Are you on the roll by the name of McNair? A No, sir, Myfield, or Mattie Hailstock.

Commissioner: How did that happen? A That was my father's name.

The 1888 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-clinton roll examined, and the applicants identified thereon as follows:

Mattie McNair on page 148, No. 3664, as Mattie Hailstock; note says "New Landrum."

Q Was your father's name Hailstock? A Yes, sir.

Q Were you ever married to a man named Landrum? A No, sir.

Q How did you happen to get the name of Landrum? A I guess that is my boy.

James Landrum on page 148, No. 3665; geowesscoowee district. The Wallace roll examined and the applicants not identified thereon.

Mr. Hastings: Now what was your mother's maiden name? A My mother's maiden name by her owners was Nancy Morgan.

Q Do you know about when your mother was born? A No, sir.

Q about how old was she when you were born? A Well I don't know.

Q You don't have any idea? A No, sir, I didn't never hear her say.

Q Was she a young woman or an old woman? A She was a young woman.

Q Were you her first child? A Yes, sir.

Q Now where were you advised by your parents that you were born?

A Well, I have never heard them say, seems like somewhere down about Tahlequah, down back there somewhere, my first recollection of anything was down there.

Q You were living there when when you can remember? A Yes, sir.

Q Where did you live? A We lived down on a place they called, I believe, Park Hill, old aunt Rosa Ross' place.

Q Who were you living with? A With her, aunt Rosa Ross.

Q Did she have any family? A No, sir, an old widow woman.

Q She had no children? A No, sir, if she had any I don't know anything about them.

Q How old were you when you left there? A I don't know.

Q About how old? A I don't know, about ten or 11 years old I reckon, I don't know whether that old.

Q When do you first remember seeing Uncle Charlie? A I don't know when I first remember seeing Uncle Charlie, I knowed him all my life.

Q You never saw him at Tahlequah? A No, I don't remember seeing him at Tahlequah.

Q Where did he see you first? A Well I don't know, he knowed me all the time.

Q How much do you have to give him for witnessing? A I didn't have to give him anything because I haven't got nothing to give him.

Q You never promised him anything? A No, of course if he want anything I can pay him.

Q Where were you married to Hill? A Vinita.

Q Who married you? A Uncle Fred Martin.

Q Who married you the next time? A I forget his name now, it was at Vinita.

Q Who married you the third time? A Another white man up on Big Creek, a preacher.

Q Are all these husbands dead? A One is dead.

Q Divorced from your second one? A Yes I didn't have to get any divorce from my second one, my second one is dead.

Mattie McWair - 2.

Charlie Chambers, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Charlie Chambers.

Q How old are you? A About 70.

Q Where do you live? A Live at Big Creek.

Q Are you a Freedman citizen of the Cherokee Nation, on the 1860 roll? A Yes, sir.

Q Do you know this applicant, Mattie McWair? A Yes, sir, I know her when I married her.

Q What was her mother's name? A Her mother was named Nancy.

Q Nancy What? A Nancy Thompson is what they always called her.

Q Did she have a sister by the name of Katie, who is now called Katie Blackwell, her mother? Yes, sir.

Q Did this applicant's mother have a sister called Mary Riley, who applied for enrollment a while ago? A Yes, sir.

Q You testified as a witness in the case of Katie Blackwell, who was an applicant for enrollment, did you? A Yes, sir.

Q You mentioned in your testimony in the Blackwell case of seeing — Mr. Hastings; I object to that.

Q Did you see this applicant's mother, Nancy, after the war, in the Cherokee Nation? A Did I see her?

Q Did you see her in the Cherokee Nation after the war?

A Yes, sir, I seen her.

Q Where did you first see her after the war in the Cherokee Nation?

A The first time I seed her I saw her over here on Panther Creek.

Q Well, where did you first see her mother, Martha Thompson, after the war? A She was there too.

Q Where were they during the war? A They were down south in the Choctaw Nation.

Q Well, do you know when they came back to the Cherokee Nation?

A Yes, sir, they came back in '66, they all come back together.

Q They came back together? A Martha brought all the children back together, brought all the children up.

Q Where did you see them? A I seed them again at Tahlequah.

Q Where did you first see them? A When I first seed them I seen them at Tahlequah; there is where I first seen them when they first come back.

Q Was this applicant's mother, Nancy, with them at that time?

A Yes, sir, she was with them.

Q Do you know whether her mother, Martha Thompson, was a slave or not before the war? A That is what she told me, told me she was a slave.

Mr. Hastings: Now I want you to tell me everybody that was in that little house in Tahlequah that you saw in 1866? A I can't tell you everybody in there, I just saw the family in there is all I can tell you anything about.

Q You testified they stayed there some two or three months and went off? A No, sir, I didn't.

Q Didn't you say they went back south? A Yes, sir.

Q How long did they stay there at Tahlequah? A I can't tell you how long they stayed there.

Q How long did you see them there? A Why I was back to Tahlequah and I seen them there once or twice while I was there.

Q For about how long? A I don't know just exactly how long it was.

Q About how many months? A Why I can't tell you whether it was a month or two months or three weeks, I seen them and knew them and didn't keep no count of the time.

Q They were living in a little house in the town in the year of '66? A Yes, sir.

Q And you know it was '66? A Yes, sir.

Mattie McHair - 4.

- Q Do you know what year the Wallace Court sat? A No, sir.
Q Don't know that year? A Don't know just what year that was, no.
Q Do you know what year the Kern-Clifton Commission took the census?
A 1886.
Q They did? A I was told what time it was.
Q Do you know one year from another? A No, sir.
Q Yet you know a year that was 35 years ago, don't you, with distinctness and definiteness? A I know it was a good while ago.
Q You never saw this woman before you saw her down in the Cherokee Nation, did you? A No, sir, I never saw them before.
Q Did you see this particular girl at Tahlequah? A This girl, no, sir.
Q You didn't see her? A No, sir.
Q Well you don't know how many you did see, you said?
A I knew she wasn't there.
Q Why do you know it? A Because that woman wasn't married then.
Q She didn't have any children then at home? A No, sir, didn't have none then.
Q Isn't Mary Riley a half sister of this girl? A Not of this girl.
Q What kin is she to her? A She is this girl's aunt.
Q You said Mary Riley was eight or ten years of age at that time?
A No, sir, I didn't.
Q Didn't you testify you thought she was then older? A No, sir.
Q You never made any estimate? A No, sir, I said seven or eight.
Q Do you know where this girl was born? A No, sir.
Q Well you testified that her mother went back to the Cherokee Nation, didn't you? A Yes, sir.
Q About when did she go back? A Why I don't know just exactly when they did go back.
Q Do you know whether it was in '86 or not? A Well, I guess it was because they didn't stay up there but a short while, I guess it was.
Q How long after that till you saw her again, her mother?
A After they came back.
Q Yes? A I guess it was somewhere between three and six years, I don't know just exactly how much it was.
Q Which is the most, three or six? A Three I believe.
Q Mr. McHarris: Would you rather have three dollars than six dollars? A I believe I would take six.

Commissioner? Mattie McHair applies for the enrollment of herself and her child, James Benjamin. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1886. She is identified upon the Kern-Clifton roll as Mattie Hallstock, that having been her father's name, and her child, James Benjamin, is identified upon the Kern-Clifton roll. She avers that she is now married to one Willie McHair, and that she is the daughter of Nancy Vann, sometimes known as Nancy Morgan. Her attorney prays that the testimony taken in the case of the application of Katie Blackwell, who is listed for enrollment on D card 327, be made part of the record in the case at bar, and a copy of said testimony will be filed herewith. Now again the attorney for the Cherokee Nation, and prays that the testimony taken in the application of Mary Riley, who is listed for enrollment as a Cherokee Freedman on D card 324, also be made part of the record, which will be done, and a copy of said testimony will be filed herewith. They are duly identified, and make satisfactory proof of relationship, consequently Mattie McHair and her child, James Benjamin, will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration by the Commission. She will be satisfied by each of the action of

Mattie McNair - 5.

the Commission when arrived at.

Brace G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Brace G. Jones
Sworn to and subscribed before me this 14th of June, 1901.

W. H. McKinstry

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsoa, I.T., June 8th, 1901.

In the matter of the application of Mary Riley for the enrollment of herself and one granddaughter named Rosa McKair, as Cherokee Freedmen, she being sworn by Commissioner T. B. Needles, testified as follows:

Mellotte & Smith applicants attorneys.
W. W. Hastings, Cherokee representative.

Examined by Gen'l Needles:

- Q What is your name? A Mary Riley.
Q What is your age? A 57.
Q What is your postoffice address? A Chelsoa.
Q In what district do you live? A Goocheswood.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled as a Freedman of any other Nation? A No sir.
Q Who do you want to have enrolled besides yourself? A I have a granddaughter.
Q What is its name? A Rosa McKair.
Q Who is the father of Rosa McKair? A Alf McKair.
Q Is he living? A Yes sir.
Q What is its mother's name? A Dora.
Q Is Dora living? A No sir.
Q How old is Rosa? A 3 years old.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls? A The Wallace and Kern rolls.
By W. W. Hastings:
Q What was your maiden name? A Mary Foster.
Q What was your mother's name? A Martha Thompson.
By the Commission:
Q Are you married? A Yes sir.
Q What is the name of your husband? A Frank Riley.
Q Is he a citizen? A Yes sir.
Q Has he been enrolled? A Yes, sir, at Vinita.
Q What is your father's name? A Bob Foster.
Q Is he living? A No, sir.
Q Give me your mother's name? A Martha Thompson.

The Kern Giffon roll examined and the name of the applicant found as follows:

Page 192 No. 3874, Mary McKair, Goocheswood district.

- Q Were you ever married to a McKair? A Yes sir that is what Frank went by, he went by his owners name, and then changed to Riley, that is his father's name.
Q Did Rosa's father enroll her down at Vinita? A No sir he didn't.
Q You say the father of Rosa was Alf McKair and her mother was Dora? A Yes sir.
Q Who was Dora's father? A Andy Elder.
Q Is he living? A Yes sir.
Q Who was Dora's mother? A I am.
By Mr. Mellotte:
Q Do you claim through your father or through your mother? A My mother.
Q What was your mother's name at the breaking out of the war? A I dont know.
Q Was she a slave before the war? A Yes sir that is what she claims.
Q You dont know what name she went by? A It was Knight, I think.
Q Where were you living when you first remember? A The first I remember of is at Tahlequah.
Q Where since that? A On Panther Creek.
Q Where is that? A In the Cherokee Nation.

Q Have you lived ever since you can remember, in the Cherokee Nation? A Yes sir.

Q What was your mother's name when you first remember? A Martha Thompson.

Q Do you know where you were born? A On Grand River at the old San Landrum place is where my mother told me.

By W. W. Hastings:

Q Did you ever live with Charles Chambers? A No sir.

Q Did you know him at Tahlequah? A No sir, not until I came up here.

Q How long after you came up here? A I don't know.

Q How long did you live at Tahlequah after the war? A I don't know.

Q Who did you live with there? A With my mother.

Q Was she married to your stepfather then? A Yes sir.

Q What was your stepfather's name? A Sidney Thompson.

Q Did you reside in the town of Tahlequah? A No sir resided out in the country.

Q What direction from town? A I don't know, I was most too small to recollect.

Q What place did you live on? A Mother said it was an Indian place.

Q Do you know how far it was from town? A No sir.

Q How old were you when you left Tahlequah? A I don't know.

Q How old did your mother teach you you were? A She didn't reach me my age.

Q You don't remember any of the other folks that lived there?

A No sir.

Q Don't remember any of your neighbors? A Yes sir.

Q Who? A Looney Glass.

Q Did you know Frank Pack? A No sir.

Q Were you old enough to have remembered going to town and seeing the town? A Yes sir.

Q When you were first old enough to remember anything, where were you living? A On Panther Creek, is where I first really remember much.

Q Who did you come there with? A My mother.

Q And your stepfather? A Yes sir.

Q What is the town nearest to you on that creek? A Chelapa.

Q How far is it from here? A 4 miles.

Q Is that where you first met Charles Chambers? A Yes sir, time of the court.

Q Is that the first time he ever saw you? A No sir I guess not.

Q Who are your neighbors on Panther Creek? A The Martins and Rileys.

Q Charles Chambers is not a neighbor of yours? A No sir.

Q Who did you have as witnesses before the Kern Clifton Commission? A Shady Jim.

Q Did you apply with your mother? A No sir with my sister, Kate Goody.

By the Commissioner:

Q What is your mother's name? A Martha Thompson.

Q Is she dead? A Yes sir.

Q How long has she been dead? A 12 years.

Q She is not on any roll? A No sir.

Q How long has Dora been dead? A A year last month.

Q Is her name on any roll? A Yes sir.

Q Is it down as Dora McFair? A I think so.

Q What was her name when she died? A Rider.

The Kern Clifton roll examined, applicant's deceased daughter found thereon as follows:

Page 172, No. 4225, Dora Rider, Osceola district.

By McElroy:

Q Have you a brother named Phil Foster? A Yes sir.

Q Phil Foster? A No sir, on my mother's side. Dora, Josie and Francis Foster is my sisters on my father's side.

Q Do they live with you? A No sir.
 Q Was with? A With their mother I guess, I don't know, I can't say.
 Q Are they on the 1880 roll? A I can't tell, I think they told me they was.
 Q They didn't live with you during your first recollection? A No sir.
 Q Where do they live? A On Goosecreek Bend.
 Q Who was their mother? A Aunt Ginda I think -- no William Foster I think -- I don't know her.
 Q Your father was who? A Bob Foster.
 Q Did you ever know him? A No sir, I was too young to recollect him.
 Q Was he alive at your first recollection? A No sir I never did see my father.

Q Phil Foster is your half brother -- he is your father's son by a different wife than your mother? A Yes sir.

By Mr. Mellette: "I would like to have the 1880 roll looked over to see if the name of Phil Foster is found thereon."

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's brother found thereon as follows Page 102 No. 1975, Phil Foster, Coowasee district.

By Mr. W. H. Hastings: "comes now the representatives of the Cherokee Nation and protest against confirming the present record with the taking of the 1880 enrollment of this person because this woman, the applicant, admits in her testimony that she and the said Phil Foster had different mothers, and that the mothers were not together and did not return together, and you might as well take the enrollment of any other name on the 1880 roll as this alleged half brother."

The 1880 and 1890 rolls of the Cherokee Nation examined and the name of the applicant and her granddaughter not found thereon.

CHARLES CHAMBERS, called and sworn as a witness, by Commissioner T. B. Needles, testified as follows for the applicant: (Examined by Com'r Needles)

Q What is your name? A Charles Chambers.
 Q Where do you live? A On Big Creek.
 Q In what Nation? A The Cherokee Nation.
 Q In what district? A Coowasee.
 Q How old are you? A About 70.
 Q Do you know the applicant, Mary Riley? A Yes sir.
 Q Do you know her mother, Martha Thompson? A Yes sir.
 Q Do you know if she was a slave? A Yes sir.
 Q To whom did she belong? A I don't know, I can't just exactly say, but I know she was a slave.
 Q How do you know she was a slave? A Because she told me she was.
 Q Where did she live? A When I first knewed her she was down in the Choctaw Nation.
 Q Where did she go during the war? A Down in the Choctaw Nation.
 Q Who was she with down in the Choctaw Nation or do you know? I don't know really who she was with, I used her there though.
 Q That was during the war? A Yes sir.
 Q When did she come back with just after the war? A She come and brought her children back.
 Q Where did she bring them to? A Tallahqual.
 Q Did you see her bring them? A Yes sir.
 Q In what year was it? A I guess it was in '66, because it was the next year after I came.
 Q When did you come? A In '65.
 Q Was this applicant one of these children? A Yes sir.
 Q Who were the others? A She had several sisters along with her.

Q Sisters of this applicant? A Yes sir.

Q Where did Martha Thompson live after she came to Tahlequah?

A She went back to the Choctaw Nation.

Q When did she go back to the Choctaw Nation? A She staid there about a month or two at Tahlequah and went right back.

Q When did you next see her? A I don't know if it was three or six years afterwards.

Q Was this woman here still with her? A Yes sir, all came back together.

Q The second time? A Yes sir.

Q You don't know where they located the second time? A No sir.

Q You didn't see them all the time? A No sir, I need them along, but I don't know where they located then together.

Q Have you seen this woman in the last few years? A Yes sir.

Q Where does she live now? A Out here on Panther Creek.

Q How long have you known her out here? A 3 or 4 years.

By Hastings of the applicant:

Q Is this the only witness you have in your case? A Only one here

By Hastings of the witness:

Q What year did you see them in the south? A Time the war was going on.

Q What year? A I don't know the year.

Q Do you know one year from another? A No not hardly.

Q How big was this girl down there when you knew her? A A very small girl.

Q As much as ten years old? A I don't think she was.

Q What is your best judgment on it? A I don't know.

Q 7 or 8 years old? A I don't know, exactly, 7 or 8 I guess.

Q That is your best judgment about it is it? A Yes sir.

Q You think they returned here in '66 because you came in '65 as you

A Yes sir.

Q How long before you come up here that you saw them down there?

A Yes sir I left them down there.

Q Did you leave them and then come immediately back to the Cherokee Nation? A Yes sir, I came right on.

Q You left them in '65 down there? A Yes sir.

Q And came right on to the Cherokee Nation? A Yes sir.

Q And you think that was in '65 that you came and in '66 that they came? A Yes sir.

Q Do you remember what this woman's mother's name was then?

Q Martha Thompson.

Q Had she married Thompson then? A Yes sir, I think so.

Q Her husband Thompson was with her? A Yes sir.

Q What place in the Choctaw Nation was that? A Place called Thompson's Lick I believe.

Q Near what town was it? A Boggy Depot.

Q How many miles from there? A 4, 5 or 6 miles from there.

Q What direction from Boggy Depot to where these people lived?

A As well as I can recollect - I just want tell whether it was north or south.

Q You were well acquainted with her and her mother? A I got acquainted with them.

Q Did she have any younger sisters or brothers? A Not as I know of.

Q Did she have any elder brothers or sisters? A Don't know of any brothers that was there as I knew of, there was some sisters.

Q How many sisters did she have? A There was 3 or 4 of them.

Q Do you remember any of their names? A One was named Katie and one was named Emily and I think the other was named Dicy is I mistake not.

Q Near what other people were they living - with some Choctaws?

Q Never saw any Cherokees from this country that you knew that were down there in that country? A The Wrights, I think some of them was living there.

Q What Wrights, Connel and Eli? A (No response.)

Q You came back to Sequoyah district didn't you? A Yes sir.

Q You lived down there a while? A Yes sir a little while.

Q Where did you see this woman and her mother first after the war?

A I spied them at Tahlequah the first time.

Q Where were they living in Tahlequah? A Right in the rear end of town, right in the edge of the brush.

Q In a house? A Yes, sir.

Q Was this applicant with her mother then? A Yes sir, they was all together.

Q And her step father? A Yes sir.

Q And then her mother had some three or four sisters living there?

Q Her mother's sisters I didn't know.

Q This woman's sisters then? A Yes sir this girl's sisters was there.

Q Do you know how long they staid there? A No sir.

Q You are positive that you saw them? A Yes sir.

Q What were they doing? A Trying to work for a living.

Q Did you ever say all night with them? A No sir.

Q Did you ever go there to their house? A Yes sir.

Q What kind of a house did they have? A A little log house.

Q Do you know any one that was living with them? A Only their own family.

Q Are you positive as to the year that you saw them? A It was '98 because it was the year after I come up there.

Q Are you willing to swear that it was '98? A Yes sir.

Q What was her step father doing? A Trying to make a living, cutting wood and such like.

Q Have you ever been tried by any of the courts for anything, have you ever been up before the Fort Smith court? A Yes sir.

Q And tried there? A Yes sir.

Q Ever tried in the Cherokee courts? A Yes sir.

Q What for? A Selling timber.

Q Were you ever up before the court at Vinita? A Yes sir.

Q They indicted you for kid-napping there didn't they? A Yes sir.

Q You ever know this woman until you saw her in the Cherokee Nation?

A No sir.

By Com'r Needles: Mary Riley applies for herself and a grandchild named Rosa McHair, four years of age; the applicant is at found on the authenticated roll of 1880 or the census roll of 1886; she is identified on the Kern Clifton and Wallace rolls; she avers that she is the child of Martha Thompson, and the name of her mother is not found on any of the rolls of the Cherokee Nation. She avers that Rosa McHair is the child of her daughter Dora and that Dora's husband was one Alf McHair, and the name of the said Dora McHair is found on the Kern Clifton roll as Dora Rider which was the name that the applicant's husband sometimes went by. She avers that the said Dora is not now living. The name of the said Mary Riley and her granddaughter Rosa McHair will be listed for enrollment as Cherokee Freedmen on a doubtful card and she will be notified by mail of the final decision of the Commission. It will be necessary for her to file satisfactory proof of the birth of the said Rosa McHair, her name not being found on any of the rolls of the Cherokee Nation in the possession of the Commission.

Chas von Neise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

AND
J. L. D.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 27, 1901.

In the matter of the application of Mattie McNair for enrollment
as a Cherokee Freedman.

Supplemental testimony.

Appearances:

Kellotta & Smith, attorneys for applicant;
W. W. Hastings, of Counsel for Cherokee Nation.

Katie Blackwell, being duly sworn by Commissioner Needles,
testified as follows:

- Mr. Smith: State your name? A Katie Blackwell.
Q Do you know Mattie McNair? A Yes, sir.
Q Is she related to you? A Yes, sir.
Q What? A She is my niece.
Q What was Mattie's mother named? A Nan Vann.
Q Is she living or dead? A She is dead.
Q When did she die? A She has been dead about some two or three
years I think.
Q Where was she living when she died? A Living down here on
Brushy.
Q Living in the Cherokee Nation? A Yes, sir.
Q How long is that girl? A I don't know exactly.
Q Born before the war or since? A Born since the war.
Q Where? A Down here in Tahlequah.
Q In the Cherokee Nation? A Yes, sir.
Q Was her mother, your sister, a slave? A Yes, sir, she was my
sister, a slave.
Q Who did she belong to? A Jane Morgan.
Q Was Jane Morgan a citizen of the Cherokee Nation? A Yes, sir.
Q Where did she live before the war commenced? A In Going
Snake district.
Q What became of your sister during the war, this girl's mother;
was she taken out, or stay in the Nation? A Yes, sir, taken out.
Q Where was she taken to? A Choctaw Nation.
Q When did she come back? A In '86.
Q Where did she come? A Webber's Falls.
Q How long did she stay about Webbers Falls? A About four or
five weeks I reckon.
Q Then where did she go to? A We went back in the Choctaw Nation.
Q Then when did you return to the Cherokee Nation after that?
A We returned back, we were down back in the Choctaw Nation about
six or seven years or maybe longer and came back then and came to
Gibson.
Q Fort Gibson, in the Cherokee Nation? A Yes, sir.
Q You know where this girl was born? A She was born at Tahle-
quah.
Q When did her mother go to Tahlequah? A She stayed to Tahlequah
a while and then she came up here and then she went down to Tahlequah,
we stayed to Tahlequah after we came in.
Q Then was that? A After we came in.
Q The first or second time? A The last time.
Q With whom did you stay when you came back here in 1887?
A My I stopped a while at Webbers Falls as I told you and we went
back, we didn't stay with anyone, we returned back.
Q Who do you mean by we? A My mother and sisters.
Q This girl's mother? A Yes, sir, and my mother.
Q What did you go back to the Choctaw Nation for? A Times was

Mattie McNair - 2.

so hard we couldn't get along here.

Mr. J. S. Davenport, Cherokee attorney: Did you go out of the
Choctaw Nation with your sister? A Yes, sir, they carried us out.

Q And return with her? A Yes, sir.

Q Well, who returned with you in the crowd back to Tahlequah or
is that country? A My mother and sisters.

Q Any one else, any other families? A No, sir.

Q Came back alone? A Yes, sir.

Mr. Smith: Who is Mary Riley? A That is my sister.

Q How old is your sister? A I don't know exactly how old.

Q Was she born before or after the war? A She was born
in time of the war.

Q What was your mother's name? A Martha.

Q Was was it that came back here to Webbers Falls in '95, what
members of your family? A My mother, she is on the roll there Martha
Knight.

Q Who else? A As I told you, my mother and all of my sisters.

Q Who were your sisters, name them? A Mary Riley now, and Nancy,
this girl's mother, and Dickey and myself.

Q Where did Mary Riley, did she go back to the Choctaw Nation
with you when you went back? A Yes, sir, she was just a child.

Q Her mother took her back? A Yes, sir.

Q And when did she come back to the Cherokee Nation? A Came back
when we all came back again.

Q Where has she been living ever since? A Lives ever here on
Panther Creek.

Q In the Cherokee Nation? A Yes, sir.

Q Has she been living there ever since she came back from the
Choctaw Nation with her mother? A Yes, sir.

Mr. Davenport: How old was Mary when she came back from the Choctaw
Nation? A I don't know exactly how old she was.

Q How large was she? A She was a good big girl, when we came
back.

Q Grown? A No, sir, not quite grown.

Mr. Smith: I want this filed in Mattie McNair's card and in
Mary Riley's case (D-824.)

Commissioner: This testimony will be filed in the
case D-628, and Mary Riley, enrolled on D-824.

Bruce G. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 9th of July, 1901.

[Signature]

Commissioner.

FD 629

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 1901.

Given under my hand this
day A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
day of 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

s. s.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

[Handwritten signature]

NOTICE!

IN THE MATTER OF The application of Mattie McNair
for enrollment as a Cherokee Freedman:

Case No. F. D. 629

To Mattie McNair or Mellette & Smith, Her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 21st at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 12th day of Sept., 1901.

L. B. Bell
W. W. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

File with Cherokee Freedman, D-329, Mattie McNair.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 21, 1901.

In the matter of the application of Katie Blackwell et al.
for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appetruances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

HENRY BEAN, appearing before the Commission and being duly sworn
and examined, testified as follows:

Mr. Hastings: What is your name? A Henry Bean.

Q What is your age? A About 50, somewhere along about 50.

Q Where were you born? A Born in Missouri, I reckon, I came
from Missouri, I don't know exactly where I was born.

Q Where did you go during the war? A Went to Texas.

Q Were you in Texas at the close of the war? A Yes, sir.

Q Where were you for the first two or three years after the war?

A I was there on the frontier and around about in Texas and there.

Q Well, about how long after the war was it before you left Texas?

A Well I reckon it was somewhere along four or five years, about
five years I reckon, somewhere along there, I never kept no count of
the time, I just suppose about that time.

Q That is your best judgment? A Yes, sir, might have been longer.

Q Where did you go to when you first left the State of Texas? A
When I first left there I went to the Choctaw Nation and then I went
to the Chickasaw Nation.

Q Do you know Katie Blackwell, or Katie Coody? A Well, I don't
know them by that name.

Q Well, did you know Katie Thompson? A Yes, sir, I know Katie
Thompson.

Q Did she have a sister? A Yes, sir.

Q What was her sister's name? A She had one named Dicey.

Q Did you know Katie's mother? A Yes, sir.

Q And what was her name? A Her name was Martha.

Q Did Martha have any other children besides Katie and Dicey?

A Yes, sir.

Q What was their names? A One boy by the name of Charley Blag-
burne.

Q You testified in his case the other day? A Yes, sir; and had
a girl by the name of Tempie.

Q Well, was this Katie married when you first knew her? A Yes, sir.

Q What was her husband's name then? A Albert Thompson.

Q What was Albert Thompson, was he a freedman? A Yes, sir, Cho-
ctaw Freedman.

Q Did you ever know of her having anybody else as her husband
since that time? A No, sir, to say know it, I don't know it.

Q Did you ever know of her going by any other name since that
time? A Yes, sir, they had another name but then I don't remember
it, I don't know who her husband was, I know she was married up here
about Lightning Creek here somewhere but I forgot her husband's
name.

Q Who was Dicey married to, or was she married at all when you
knew her first? A Yes, sir, she was married.

Q What was her husband's name? A Morris Borrell.

Q Did she have any children when you knew her first? A Yes, sir,
I think she had children, I am a little short of remembrance about
that, about how many children she had, whether she had one or two, I
know she had one but I don't know whether she had those two when I first

knew her or not, I have forgot.

Q Now when did you know Katie and Dicey and her mother first?

A Well, we were on a little creek they called Sandy.

Q In what Nation or State? A In the Choctaw Nation, near Cherokee Town, about eight miles below Cherokee Town on the Washita River, close to the Washita River, between Cherokee Town and old Fort Arbuckle, it was about the same distance I reckon from that.

Q About the same distance from Cherokee Town and Fort Arbuckle?

A Yes, sir, just about the same distance between them, it wasn't just on the Arbuckle road.

Q When was it you knew them first, how long had you been over there? A Well sir, I can't tell you, I had been there though, I think though about four years, but just the time I can't tell you the day or the time.

Q Well where, about four years? A It was in the Chickasaw Nation.

Q Well when did you leave the Chickasaw Nation? A I left the Chickasaw Nation in about '74 I guess.

Q Where did you go to? A Came to Tahlequah.

Q Who came with you to Tahlequah? A These people.

Q Just go ahead. I want you to specify them? A Martha Thompson, that was Sid's wife, and Charley Blagburne.

Q Who was Charley, what relation was he to Martha? A Charley Blagburne was Martha's son.

Q Give all of Martha's children that was along that you can remember? A Well, there was Katie Thompson and Dicey Sorrell and Tempie Thomas and Nan Hallstock, and Mary Ann, that was her youngest child.

Q Was Tempie married? A Yes, sir.

Q Who was she married to? A Charley Thomas.

Q Well, where was Charley and his wife living when you first knew her? A They were living there on that Sandy road about half a mile or three quarters from the old lady, from her mother.

Q Did Tempie come up with you? A Yes, sir, I brought her in my wagon, she is the one I hauled up here.

Q How many wagons did you have along in that crowd? A Three.

Q Now all these people you have mentioned you brought up, did you?

A I brought up Dicey and Tempie in my wagon.

Q Well, these others that you mention came along in the same crowd?

A Yes, sir, they were all the same.

Q Through what district did you come? A Well now I can't tell you.

Q I mean up in this country, I don't mean below? A Well we came through Fort Gibson.

Q How long did you stop here? A I didn't stop here but a few minutes, just stopped there in town and drove on through.

Q Did they say anything about having been here before? A No, sir, never said anything to me about it.

Q Made no mention about it? A No, sir.

Q You went on to Tahlequah? A Yes, sir, I went on out to Mr. Dennis' out here and left the Sorrell family, it was on the Four Mile Branch to Mr. Dennis'.

Q Was Katie married when you first knew her? A Yes, sir.

Q Was Dicey? A Yes, sir.

Q Were they keeping house down there or not; what were they doing?

A Well, when I first knew them they were not keeping house, they were in the house with the old lady, but they did keep house shortly after that.

Q What were they doing for a living down there? A Well, Sorrell was a barbering around and sometimes he would farm around a little.

Q What was Thompson, Katie's husband? A Well, he was just working around for wages, and making a little patch.

Q What was Martha's husband, Sidney? A He was farming, had a little place of his own there.

Q Was Temple married when you first knew her? A Yes, sir.

Q Did any of these people marry after you became acquainted with them down there? A Charley Blagburne I think married down there.

Q Do you remember how many children Lettie had when she came up with you? A Let's see, I will have to count them up a little and see if I know, there was Jess and Henry and a girl they called, her nick name was Bude, I forget what her right name was, but they called her Bude, and a little boy named Dan, I believe that is all she had.

Q Well, do you remember whether Dickey had any children when she came up? A She had one or two, I know she had children, I think two children but it kinder seems to me like one of the children was born here, but I won't be certain about it.

Q Well did Temple Thomas have any children? A Yes, sir, she had two children.

Q I mean when you came up here? A Yes, sir, I think she had two when we came up here, a girl died, the one she brought here.

Q Do you remember their names? A The boy, Will was his name.

Q Did you mention one of them by the name of Nanoy a while ago, one of Martha's children? A Yes, sir, Nan.

Q Was she married? A Yes, sir, Hallstock.

Q Did she come with you? A Yes, sir.

Q Did she have any children? A Yes, sir.

Q What was their names, do you remember? A I think one of them was named Mat, I have mighty nigh forgot them children's names, Mat and Martha, seems like one was named Martha, I think Martha is dead though, there isn't but one of the girls living that she brought here.

Q Why do you fix the date of '74 as the date of your coming out with these people? A Well, the reason why that, I was taking the figures in this way, when we come it was the year, we came the fall before the first ten dollars, that bread money was paid out, and that was paid out in '75 that was.

Q And you came the fall before that payment? A And we came the fall before that payment and that is why I have give it about in '74, about the time them additions was put in at the seminary.

Q How far did these people live apart in the Choctaw Nation?

A The families?

Q Yes? A Well they lived, Temple lived about between half a mile and three quarters from their mother.

Q Was they all in the same neighborhood? A Yes, sir, all right in the same neighborhood.

Q Did you know Jim Ross down there? A Yes, sir.

Q Was he there when you first went over? A I don't know sir whether he was or not.

Q What other people lived around in that neighborhood, any Chickasaws or freedmen, people living there? A Yes, sir, Zach Gardinet and old lady Howell, I don't know her name, and she had a son by the name of John Howell, and then she had a son was a doctor, they all called him Doctor Howell, I don't know what his name was only Doctor Howell, and they was about the closest around; the others was Chickasaws, had Chickasaw names, Nelson Chigley and several others; there was another man lives right close there but I don't remember his name, I was well acquainted with him too but I have forgot him.

Q Now about how long did you say you knew these people there before you moved out with them? A About four years.

Mr. Mellette: How old are you? A About 30 I guess.

Q Are you a freedman citizen of the Cherokee Nation? A No, sir, I am not.

Q You claim to be? A No, sir.

Q Where does this woman live now you have been talking about?

A I don't know.

Q Is she Blackwell? A I don't know, sir, she lives somewhere out

on the --

Q How long since you have seen her? A I haven't seen her for about eight or ten years I reckon.

Q How long has it been since you came here with her, how many years? A Why I don't know just how many years, that is something I don't keep the date, I came here in about '74.

Q Well now you figure it out how many years you have been here, you say it was '74 when you came here, how many years has it been?

A I can't tell you, without I sit down and it takes me I don't know how long to count it.

Q How do you know it was '74 you came here? A Reason I know it, I am going by the time that that money was paid out, I came the fall before that ten dollars was paid out.

Q How do you know that money was paid out in '74? A Well I am giving the time.

Q How do you know that money was paid out in '74? A Well I don't know it.

Q What year did you go to Texas in? A I don't know that.

Q Where do you live? A I live at Tahlequah.

Q How long have you lived there? A Lived there about something over 26 years or maybe longer, I have lived there ever since I came to the country.

Q Right in Tahlequah? A Right around Tahlequah.

Q Why can't you tell what year you went to Texas? A Why I was a boy, a little fellow, I don't know anything about it, I was carried there by my owners.

Q What year did you go into the Chickasaw Nation from Texas?

A I don't know, sir.

Q Can't you give an idea? A No, sir, I can't.

Q How is it then that you remember the year you came to this country and don't remember anything else or any other year? A Well sir, I don't know, I don't remember that only by the time, I got the count of the time that I came here, what was done, and figured it up from that time.

Q Now look here, you don't know anything about the payment in 1875, you don't remember that any payment took place in '75 do you? A Yes sir I do.

Q Do you remember the year? A I remember the payment.

Q Do you remember it was in '75? A Well I am just going by the time, according to the time I got here.

Q How do you know that any payment took place in 1875 here? A Well they paid ten dollars here.

Q How do you know it was '75? A It was the spring after I came here in the fall.

Q Well what year did you come here? A Well we must have come here in '74.

Q Why? A Because the money was paid out the next spring.

Q Well what year was that money paid out? A In '75.

Q How do you know? A Just because I know when I came here.

Q How do you know that that money was paid out in '75; answer that question; now answer it straight? A Simply because I was here when it was paid out.

Q Will you answer my question; how do you know it was 1875? A Well sir, I will tell you as near as I can come at it, the time that they put up that seminary out there, I am going according to the time that there is people that figured up the time.

Q Who figured up the time for you? A Well I don't know as anybody has figured it up for me, only I am going by the year what the people counted that this seminary was put up, in 1875, just the people at large; now that is the way I get at it.

Q You are testifying from what the people at large said about the date? A Yes, sir, that is the way it is.

Q Well, do you know that the woman you have been talking about here, Katie, is the woman who has applied here for citizenship? A If

It is Katie Thompson it is.

Q If it is Katie Thompson it is? A Yes, sir, the mother of Henry and Jessie and these other children.

Q Who else was she the mother of? A Dad and I believe that is all.

Q Now give the names of Katie's children, all you know? A Well Jessie and Henry and Wade and Dan. Dad was a wise man I think, I don't know, the child might have had some other name, but that is the mother of them children.

Q Do you know these two women here (indicating Lucinda Blackwell and Ann Williams)? A No, sir.

Q Ever see them? A If I did I don't know it.

Q Don't you know they were children of Katie Blackwell, the applicant here? A No, sir, I don't know it.

Q Did they come from Texas with you when you say you came here with this woman Katie? A I don't know whether they did or not.

Q Tell you ought to know it?

Mr. Hastings: You needn't argue the point.

Q I will ask you if they came with you from Texas, with Katie Blackwell, when you say you came with them? A I don't know whether they did or not.

Q Look at them? A Well it has been ten years since I have seen them.

Q You have seen the family of Katie Blackwell within ten years?

A I have seen her, I haven't seen her whole family, her children, more than Henry and Jessie, I have seen them.

Q How old is Henry? A I don't know, sir.

Q How old is Jessie? A I don't know how old he is.

Q Did Katie have a child by the name of James? A No, sir, not as I know of.

Q James Ross? A Not as I know of.

Q You say that Katie Blackwell has a sister by the name of Dicey?

A Yes, sir.

Q What other name did she have besides Dicey? A Dicey Correll.

Q Did they ever call her Dicey Tinnon? A I don't know, she might have got that Tinnon name after she came here.

Q I ask you if she was ever called Dicey Tinnon? A I don't know.

Q You never knew of her being called Dicey Tinnon? A They might have, that might have been her name.

Q Did you ever know of her being called Dicey Tinnon? A Yes, sir.

Q What do you mean by testifying that way? Didn't you say just now that she might have been called that, that she might have married some man by the name of Tinnon? A Yes, sir, I said that.

Q And now you swear you don't know she was called Dicey Tinnon?

A Why I do.

Q When was she called Dicey Tinnon? A I have heard of her being called Dicey Tinnon the last time I was up on Big Creek, that Dicey Tinnon was it.

Q Why didn't you tell Mr. Hastings she was called Dicey Tinnon?

A I didn't know her by that name at that time.

Q You don't know now whether she was ever called Dicey Tinnon?

A I have heard she was.

Q Who told you? A Charley Blackburn, that is her brother.

Q Charley Blackburn? A Yes, sir.

Q You are giving the name right are you? A That is right as far as I know it.

Q You know this woman by the name of Katie Blackwell? A No, sir, I know her by the name of Katie Thompson.

Q You don't know how long these people you are talking about had lived down there in the unknown nation? A No, sir, I don't know anything about that.

Q You don't know whether they had been in the Cherokee nation before that time or not? A No, sir, I don't know anything about that.

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whether they had or not, I just got acquainted with them right there.

Commission: This testimony will be made a part of the record in the following Cherokee Freedmen Doubtful cases; D-327, Katie Blackwell; D-333, Lucinda Blackwell; D-334, Ann Williams; D-343, Vinita Martin; D-438, Mattie Madden, D-629, Mattie McNair; D-754, Jesse Roach; D-756, Daniel Thompson; D-757, Henry Chambers.

HENRY BEAN, recalled by attorney for applicants, testified further as follows:

Mr. Mallette: You say the woman, Katie Thompson, that you are talking about, had a sister named Laura? A No, sir.

Q Well, did she have a daughter by the name of Laura? A No, sir.

Q Didn't you say a while ago that she had a daughter or a sister by the name of Laura? A No, sir.

Q You are certain you didn't say that? A Yes, sir.

Q Well, where did you see this woman, Katie Thompson, ten years ago, you say you saw her then? A I saw her up on Lightning Creek.

Q What were you doing up on Lightning Creek? A I went up there to a celebration.

Q Were you at her house? A No, sir.

Q Where did you see her? A I seen her there at the celebration.

Q Where was that celebration? A On Lightning Creek.

Q What place on Lightning Creek? Lightning Creek is pretty long?

A It was there in the settlement, if I can think of the man's name, along there about Hayden, Uncle Mose Whimires, somewhere along in there.

Q How long did you stay up there? A I didn't stay up there but a few days.

Q That the only time you have been up in that country? A No, I have been up there several times. I said about ten years ago, I was guessing at the time, it might have been a little shorter time or might have been longer.

Q Did Hayden live there at that time? A Yes, sir, he lived out there.

Q What kind of a celebration was that? A The 4th of August.

Q Was it on Lightning Creek? A Yes, sir.

Q How far from Hayden's store? A I don't know just how far it was, I don't know whether he had a store there at that time.

Q Did he or did he not have a store there? A I don't know, sir, I can't tell you.

Q Did he live there? A He lived there.

Q How far was that from his house? A I don't know sir, I don't know where his house is, I was never at his house.

Q Did you see his house? A I never saw his house.

Q Where did you stay when you went up there? A I stayed at Looney Glass and at Eliza Wright's.

Q Where does Looney Glass live? A Lived there right there on Lightning Creek, not far from the celebration ground.

Q Was there any building there where they had the celebration?

A No, it was there just in the open woods.

Q No school house? A The school house was a little piece from there, I never went around to it.

Q No church house? A School house or church house, or something of some kind I can't far from there, I didn't pay any attention to such things as that.

Q That the only time you were up there? A No, sir, been right over the celebration ground, but I couldn't locate the ground by go

ing over them.

Q How long did you see this woman at that time? A I just seen her that day.

Q Speak to her? A Yes, sir.

Q Talk to her? A Didn't have very much talk, I just passed and spoke.

Q Just spoke to her as you passed? A I stopped and spoke to her and talked a little but didn't have very much talk, just passed on.

Q You will swear that was the woman you came from Texas with?

A Yes, sir, from Chickasaw Nation.

Q Can't be mistaken about that? A No, sir, can't be mistaken about that.

FRANK PACK, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Frank Pack.

Q What is your age? A 40.

Q You know Henry Bean, the witness that just left the stand?

A Yes, sir.

Q How long have you known him? A Been knowing him ever since '74 or '75, somewhere along there.

Q Where did you get acquainted with him? A Got acquainted with him at Tahlequah.

Q You know when he came to Tahlequah? A It was along about '75 or '74 when I first seen him, that is my recollection.

Q You know when that first payment was made? A I think it was in '75 if I mistake not, somewhere along about there.

Q Do you know Lattie Thompson and Nancy Corrells? A Yes, sir.

Q Do you know when they came to Tahlequah? A They came there about the same time Henry Bean did, I seen them all just about the same time; they lived in about three miles and a half of where I lived, and stayed there a while and along in about '75 my mother died and we moved off and rented the place to some of them, they moved over on our place across the river and made a crop there one year.

Q How far is that from Tahlequah? A That is about six miles east.

Mr. Hollitt: Now you say you first saw this man Henry Bean in '7

Q '74 or '75, along in there somewhere.

Q How can you remember it was that year? A Because my mother died in '75 and I had seen them a while before she died, I got acquainted with them.

Q How long before your mother died? A I can't say how long.

Q One or two years? A It wasn't that long, I can't think it was hardly a year.

Q What reason had you for remembering when Henry Bean came to this country? A Because I told you my mother died along about '75, and I seen them a little before she died.

Q That didn't have any connection with her death did it? A He was always around where we were, we were neighbors.

Q Why does the death of your mother make you remember when you first saw Henry Bean? A Because they were not very many strange people moved in there then and they moved in close to where we lived and that makes me remember them.

Q Do you remember any other colored men that came in that country about that time? A I expect I would if they would mention some of them.

Q Why do you fix your memory on Henry Bean? A Because he was a stranger and came right in close neighbors to us.

Q Was he any kin to you? A None at all.

Q You were 15 years old at that time? A Yes, I was somewhere around that.

- Q And you can remember it was '74 or '75? A Yes, sir.
- Q When was your recollection first brought to bear upon the question as to when Henry Bean came into your country? A It always has been that way.
- Q Do you know John Ross? A Yes, sir.
- Q When did you first see him? A I can't tell exactly, he was quite small when I first seen him.
- Q Where did you first see him? A At Tahlequah.
- Q When? A Along, I can't say exactly, he was a small boy.
- Q Give us an idea when you first saw him? A Well I can't really say, it was way after I seen Henry, I know that, and John was quite a boy.
- Q Now Pack, Henry Bean came to that country when you were about 15 years old and you have remembered from that time on the year that he came there? A Yes, sir.
- Q Are you employed by the Cherokee Nation now? A Yes, sir.
- Q In what capacity? A I am just working with them, working for them, anything they want me to do around about the office I am right there working.
- Q You are connected with the Cherokee officers who have charge of this enrollment, are you not? A I am working for them.
- Q You are kept here as a witness are you, too? A Not particular I don't guess.
- Q Then what do you do for the Cherokee Nation? A Anything they want me to do, clean up the room, bring water, go and get the mail, anything they ask me I go and do it.
- Q And you are willing to swear positively that Henry Bean came about Tahlequah in '75 or '75? A Yes, sir.
- Q You knew that you saw him when he first came? A Yes, sir, I am positive. I know what I am talking about.

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L. B. BELL, appearing before the Commission and being duly sworn and examined, testified as follows:

- Mr. Hastings: What is your name? A L. B. Bell.
- Q How old are you? A 32.
- Q What is your postoffice? A Vinita.
- Q Mr. Bell, what was the date, if you know, of that first payment, that was made some eight or ten or twelve years after the war? A Well it was what we call the bread money, the first payment we had, was in '75; some of them calls it the \$10.60 payment, and the ten dollar payment.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 25th of September, 1901.

C. R. Buckner



Commissioner

Press 5 300

Department of the Interior,
Commission in the Five Civilized Tribes,
Savage, T. T., May 31, 1902.

In the matter of the application of HARRY ADAMS for enrollment
as a Cherokee Freedman.

Applicant appears by Marshall Hayden, Cherokee Nation, by
W. T. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Marshall Hayden case F.D. 492, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Marshall Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Marshall Hayden, F.D. 492.

By W. T. Hastings:

Come now the Cherokee Nation and objects to the intro-
duction of the decree, because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1866, or that he had been a continuous resident
of the Cherokee Nation since that time, or that he is a descendant
of such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same
is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be as-
certained and the decree of the Court of Claims filed in the case
of Marshall Hayden will be made a part of the record by reference in
all the cases where made with the exception of those which come
within the provisions of the temporary suspension recently granted
by Judge Gill of the United States Court, at the Northern District
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Marshall Hayden case and counsel for the appli-
cant be allowed to submit further evidence in any of the proof of any
or all of the cases above named already referred to.

in the case of Moses Whitmore, trustee, vs Cherokee Nation, on file in the Court of Claims at the request of the Cherokee Nation if it is desired to do so.

V. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed)

P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, do hereby state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public

On the record. D-2544.

MUSKOGEE, I. T., SEPTEMBER 28, 1905.

Cherokee Nation.

APPEARANCE

For Applicant, F. P. Branson.

For the Cherokee Nation, W. W. Hastings.

MARTHA McNAIR, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Martha McFarlin.

Q How old are you? A Between 34 and 35.

Q What is your post office? A Vinita.

BY MR. BRANSON:

Q How long have you lived at Vinita? A This last time I have been to Vinita about 4 years.

Q What district in the Cherokee Nation is Vinita located? A One side is in Geowesecowee and the other Delaware, I live in Geowesecowee.

Q How long have you lived in the Cherokee Nation, Indian Territory?

A I have lived in the Cherokee nation about all my life.

Q Where were you born? A At Tahlequah, I think as near as I can remember, my first remembrance was at Tahlequah out on Parthill.

Q Your first recollection was at Parkhill, Tahlequah district, Indian Territory? A Yes sir.

Q What was your father's name? A Jim Hallstead.

Q Was he a Cherokee freedman or a state raised man? A He claimed to be state raised and Cherokee.

Q What was your mother's name? A Her name was Nancy Norman.

Q At the time she was married to your father, what was her name?

A Man No Good

Q At the time she was married to your father, what was her name?

A. Van Morgan.

Q Did she never assume your father's name? A Yes also, she went by Hallstock after they were married.

Q Do you know when your father and mother were married? A No sir.

Q Were they living together as husband and wife in Tahlequah District when the 1880 roll was made? A No sir.

Q Where were they living then? A My mother was living there but she and my father were parted.

Q Your father and mother were parted in 1880? A Yes sir.

Q. Were your mother and children living in Tahlequah District, Indian Territory? A. Yes sir.

Q State what your mother's name was at that time? A It was ~~you~~
Hailstock.

Q. How many children did she have in 1850? A. Martha Hailstock, Jennie Hailstock and Mary Hailstock.

Q Are you the eldest of these children? A Yes sir.

Q Is that your full name? A Yes sir.

Q That was your maiden name? A Yes sir.

Q How old are you now? A Between 34 and 38.

Q Was female your sister? A Yes sir.

Will it start? You bet.

- Q How much younger than you was Jennie? A I was a little over two years older than she.
- Q Was Nancy younger than Jennie? A Yes sir.
- Q How much? A Jennie was a little over two years older than Nancy.
- Q Is Jennie living? A No sir.
- Q How long has she been dead? A She died sometime before the strip payment.
- Q Where did she die? A She died down below on Brusny Creek out from Choteau.
- Q Is Nancy living? A No sir.
- Q When did she die? A Ever since she was about 8 or 9 years old.
- Q Where did Nancy die? A She died upon Panther Creek in the Cherokee Nation in Coowessocowee district.
- Q Since you lived in Tahlequah district in 1880 with your mother and younger sisters, have you lived outside of the Cherokee Nation? A Yes sir, I have been outside but never moved outside of the Cherokee Nation.
- Q Where have you been? A I have been to Kansas City.
- Q How long did you stay in Kansas City? A I stayed there about six months.
- Q When was that? A That has been a long time, I don't know how long it has been.
- Q Where else have you been? A To Coffeyville and Chetopa.
- Q How long did you stay there? A Just went and traded and back.
- Q How long did you,--how many times have you been married? A Three.
- Q What was the name of your first husband? A George Hill.
- Q What was the name of your next one? A Walter Payfield.
- Q What is the name of your present husband? A Alfred McHair.
- Q How long have you been married to Alfred? A Going on 7 years.
- Q How many children have you got? A One.
- Q What is its name? A James Landrum.
- Q What is its father's name? A Sam Landrum.
- Q Were you ever married to him? A No sir.
- Q How old is James Landrum? A 17.
- Q Is he living in the Cherokee Nation? A Yes sir.
- Q Where? A Vinita.
- Q Did you make application to the Dawes Commission in 1901 for enrollment of yourself as a Cherokee freedman? A Yes sir.
- Q Under what name? A Mattie McHair.
- Q Did you apply for James Landrum at that time? A Yes sir.
- Q What, if anything, if you have been informed, has been the decision of the Commission on that application? A I was denied.
- Q Have you got the decision of the Commission with you? A No sir.

Mr. Bransen: The applicant now desires to offer in evidence in Cherokee D-2344, a certified copy of the entire record of Cherokee Freedman D-629, including especially the testimony taken at Chelsea, Indian Territory, on June 8, 1901, of the principal applicant in this case, and special attention of the Commission is called to page 2 of the testimony taken on that day in which the Commission says that the 1880 authenticated Cherokee freedman roll having been examined and applicant not identified thereon. Applicant further requests the Commission to examine the 1880 Cherokee authenticated tribal roll and if the name of Martha Hallstock appears thereon in Tahlequah District, that her name as members on said roll with

the other members of the Hallstock family that are given there be inserted in this record.

Mr. Hastings: I desire to object to this request at this time until the examination of this witness is completed.

BY MR. BRANSON:

- Q Where did you and your mother move from when you left Tahlequah District? A I went to Vinita, my mother was still at Tahlequah.
- Q Do you know how long after your first recollection of your living at Parkhill, your mother with her children continue to live in Tahlequah District? A Mother stayed at Tahlequah. She moved away from Tahlequah and moved on Salt Creek up in Coowascoowee District.
- Q When was that? A That was when we were small, I don't know how long it has been, I remember we went in wagons and had oxen to drive.
- Q Did you ever hear of any family in Tahlequah District by the name of Hallstock except your family? A No sir, only I have a half brother on my father's side, Charles Hallstock.
- Q They were the members of your family? A Yes sir.
- Q If your mother's name appears on the 1880 roll as Ann Hallstock, is that a mistake?

Mr. Hastings: I submit that that question ought not to be asked because it is clearly leading and instructive to the witness.

- Q If your mother was living at the present time, is your mother living or dead? A She is dead.
- Q How long has she been dead? A About 4 or 5 years.
- Q If she were living at the present time about how old would she be? A Along about 60 I guess.

BY MR. HASTINGS:

- Q Where did your mother die? A On Branky Creek up here by Choteau.
- Q When did your mother die? A She died in August on the 17th.
- Q What year? A I don't remember what year, I know it has been about 4 or 5 years since mama died.
- Q Did your mother ever marry again after the death of your father, James Hallstock? A Yes sir.
- Q Who did she marry? A She married Johnson Vann.
- Q And she lived with him near Choteau? A Yes sir.
- Q About how old were you when your mother married Johnson Vann, that was your next husband after your father's death? A My fat her aint dead as I know of.
- Q After their separation? A I don't know, I must have been along about 20 some odd, I don't know just how old I was.
- Q About how long ago was it she married Johnson Vann? A I couldn't tell you, I left from here and went up to Vinita and mama was still here, she come back here after we went to Salt Creek, come back to Tahlequah.
- Q About how old were you when you went to Salt Creek? A I was small, I can't remember how old I was.
- Q Were you as much as 4 or 5 years old? A I guess I was older than that.
- Q What is your best judgment as to how old you were when you went to Salt Creek? A I couldn't have been not more than 10 or 11, I don't think.

Q Where was Jennie born? A Tahlequah.
 Q Where was Wacey born? A Tahlequah.
 Q Which is the older, Jennie or Wacey? A Jennie.
 Q About how old was Wacey when you left Tahlequah and went to Salt Creek? A She was awful small, a baby.
 Q In her mother's arms? A Yes sir, I can't remember whether she was walking or not, I know she was very small.
 Q With whom did your mother live down there when you went to Salt Creek or just before? A We lived with Aunt Rose Ross.
 Q Is she living? A I don't think she is.
 Q Is any of her family living? A I don't know, she was just an old widew woman.
 Q Did she have any children? A No sir, I don't think she did.
 Q On whose place did she live? A On her own.
 Q Did she have some neighbors? A Yes sir.
 Q Close to whom did you live? A I don't know, I just couldn't tell you I was small.
 Q You don't know anybody that lived close to you? A All I can remember there was some Indians living close around there.
 Q Do you remember any of their names? A No sir, I can't, it seems to me they had children, but I just couldn't remember anything more about it.
 Q Have you got any witnesses that you can prove that you lived about Parkhill? A Yes sir, I guess I can get some, my track is here, I didn't know I had to have any witnesses.
 Q Your mother wasn't living with your father when you can remember? A I do remember or but it has been so long, I don't know how big I was, I can remember my father but not much about when they were living together, but I remember his name that.
 Q What name did you go by when small? A Martha Ballstock.
 Q Always went by the name of Ballstock? A Yes sir, until I was married.
 Q Where are you living now? A Vinita.
 Q How long have you been living there? A Four years.
 Q Where did you go from there? A Big Creek.
 Q How long have you lived on Big Creek? A I don't know, I guess about 3 years. I left Vinita and went to Big Creek.
 Q Where did you live before you went to Vinita the first time? A Lived here at Tahlequah, I lived on Panther Creek when I went to Vinita the first time.
 Q How old were you when you went to Vinita the first time? A Along about 12 or 13 years old.
 Q How long had you lived on Panther Creek before you went to Vinita? A I don't know, we moved from Salt Creek to Panther Creek.
 Q About how long did you live on Panther Creek, the best of your judgement? A I don't remember, we moved from Salt Creek to Panther Creek and came to Vinita.
 Q About how long did you live on Panther Creek, two or three or four years? A Yes, I guess longer than that.
 Q Your best judgement about it? A Two or three years I guess.
 Q How long had you lived on Salt Creek when you went to Panther Creek? A I don't know, I was small when we went to Salt Creek. I couldn't tell you because I don't know that much about the years, didn't know anything.

- Q In what year were you married? A I don't know, I know I married at Vinita and Uncle Fred Martin married me.
- Q How long ago? A It has been a long time.
- Q About how long? A It seems to me it has been about 13 or 14 years I guess.
- Q How how old is your son Jim? A He is 17
- Q Is now? A Yes sir.
- Q Where was he born? A He was born on Panther Creek.
- Q Had you ever lived in Vinita before Jim was born? A Yes sir.
- Q How long had you lived in Vinita when Jim was born? A A year or two I guess.
- Q How long had you lived on Panther Creek before that? A I don't know, we come from Salt Creek to Panther Creek.
- Q Well I want to know how long you lived on these two creek before you went to Vinita? A I don't know how long before I went to Vinita, we had moved from Salt Creek to Panther Creek, but I don't know what year it was or how long it was.
- Q You don't know where you were living in 1865? A No sir, I was living around there somewhere.
- Q You don't know where you were living in 1875? A No sir, but I have been here in the nation all my life around up there some where.
- Q You don't know where you were living any particular year? A No sir because I don't know nothing about particular years, just that we just lived down in the country, when we moved from Salt Creek we moved to Panther Creek.
- Q You don't pretend to say you know all the Cherokees in Tahlequah District? A No sir.
- Q You don't know hardly any of them do you? A I know a few, I know more colored folks. When we left Parkhill we moved in town.
- ON BEHALF OF THE COMMISSIONER:
- Q You drew Cherokee strip money in 1896, Kern-Clifton money? A Yes sir.
- Q Did you draw any money from the Cherokee nation at any other time? A I got the Wallace money.
- Q Did you draw any other money besides that? A Then I drew another little payment right after I drew the strip money, what was that, I forget, we drew \$55.00.
- Q You never drew any other money besides at the time of the freedman payment in 1897 and at the Wallace payment? A I drew the Wallace money at the Wallace payment and I drew it while I was on Big Creek.
- Q Did any one else draw any money for you that you know of? A No sir, not as I know of.
- Q Were you ever known by any other name besides Martha Hallstock? A Not no other maiden name.
- Q When you were a child what did they call you? A They called me Martha or Mat.
- Q And after you grew up what did they call you? A Martha and yet, some folks called me Martha and some Mat.
- Q What did you always call yourself? A Martha.
- Q Is that the way you always called it and signed it? A No sir, I signed it once Mattie McFair.
- Q Is that the only time you can remember? A Yes sir.
- Q That is the time you applied for enrollment? A Yes sir.
- Q Did they ever call your mother by any other name besides Nancy? A Yes.
- Q Did she have any Cherokee blood in her? A I don't know, she had pretty near straight hair.
- Q Do you think you have any Cherokee blood? A I don't know, my mother was just a little brighter than I am and my father was about the same.

BY MR. BRANSON:

- Q You state that your first recollection was in Tahlequah District?
 A Yes sir.
 Q Are you acquainted with Faggie Lasky? A Yes sir.
 Q Where does she live? A She lives out there in the country somewhere.
 Q When did your family and her first become acquainted? A I couldn't tell you.
 Q Have you known her all your life? A Yes sir, I remember seeing her when we ~~lived~~ lived there in Tahlequah, I don't know whether I knew her when we lived at Parkhill or not.
 Q Do you know Nellie Young? A Yes sir.
 Q Where does she live? A On Big Creek.
 Q Is she related to Faggie Lasky? A Yes sir, sister I think.
 Q How long have you known Nellie Young? A Quite a while a long time.
 Q Was she acquainted with your family when you lived in Tahlequah District? A I don't know whether she was or not, lots of folks older than I was knew me that I don't know.

Mr. Branson: We now ask that the 1880 Cherokee Authenticated roll be examined by the representative of the Commissioner and that the name of Martha McHair, if it appears upon that roll, that that name as it appears there, giving the age etc., be inserted in this record with the other names along with her.

On Behalf of the Commissioner: This testimony is taken at the present time for the purpose of identifying, if possible, the persons whose names appear upon Cherokee Doubtful card No. 2344, the same being included in a general application for enrollment made on June 30, 1902, and the question will be determined by decision as to whether or not the present witness, Mattie or Martha McHair, who is listed on Cherokee Freedman Doubtful card No. 629 is identical with the person listed on Cherokee Doubtful card, No. 2344. Official notice will be taken of the enrollment on the roll of 1880 of the said Martha McHair, and also as to the persons which it appears she is enrolled therewith.

Mr. Branson: Comes now the applicant and objects to the notation made by the representative of the Commissioner because the applicant insists from the testimony given and from what appears in the record made by the Commission on June 8, 1901, in which it clearly appears that the representative of the Commission at that time failed to examine the 1880 Cherokee authenticated Tribal roll and only examined the 1880 Freedman roll, which is merely a copy of the 1880 authenticated roll of those persons on the 1880 Cherokee authenticated roll marked "Adopted colored," and by reason of this applicants appearing on the 1880 authenticated roll as a Native Cherokee, her name did not appear upon said copy known as the freedman roll. Applicant further insists that she has a right to have this enrollment inserted in the record and made a part of case 2344, has the right to have these names inserted as the roll clearly shows that they were members of the family of the persons who appears on Cherokee D-2344, and this record will be incomplete unless these names are inserted in this record.

ON BEHALF OF THE COMMISSIONER: The objection will be noted. The attorney for the applicant is misinformed as to the procedure taken by the Commission to the Five Civilized Tribes in the field as it was the ~~man~~ practice in all cases to examine the authenticated roll of 1880 as well as all other rolls to establish whether or not the applicants names were thereon.

Mr. Bransons. Applicant gets his information from this statement from page two of the testimony of the applicant now present taken on June 8, 1901, at Chelsea, Indian Territory.

BY MR. BRANSON:

- Q Have you got a sister who has been finally enrolled? A Yes sir.
Q What is her name? A Rosa Coleman.
Q How old is she? A About 24 or 25 I guess, I don't know.
Q What was her father's name? A Will Davis.
Q Her maiden name was Davis? A Yes sir.
Q Was she your half sister? A Yes sir.
Q Through whom did she claim right, through her mother or father?
A Mother.
Q Was her father a Cherokee freedman? A Yes sir.
Q Do you know whether or not she appears on the 1880 roll? A Yes sir, she has got her land.
Q Under what name? A Rosa Davis.

BY MR. HASTINGS:

- Q Her father was a Cherokee freedman? A Yes sir.
Q And her father is on the roll of 1880? A Yes sir.
Q And her name is on there too? A Yes sir.
Q And that is how she came to be enrolled? A Yes sir.
Q You had different father's? A Yes sir.
Q And he was a Cherokee freedman? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

To the Attorney for the applicant: Do you desire to submit the case on the testimony just introduced?

Mr. Branson: The applicant desires to submit the case, if, after consideration, it is the opinion of the Commissioner that the contention of the applicant that she is the party who appears on the 1880 Cherokee Tribal roll, Wabbequah District, along with Ann Hailstock, Jennie Hailstock, and Mary Hailstock, is this person. If the Commissioner does not consider her to be the identical person on that roll, then we desire to introduce further testimony in this case.

ON BEHALF OF THE COMMISSIONER:

To the Attorney for the applicant: Do you desire at this time to have further opportunity to introduce testimony, or submit the case now?

Mr. Branson: We have no further witnesses here today, none at all. The reason that we had no further witnesses is because I considered that this witness's testimony in the light of the former record in Cherokee District is sufficient to show her identity.

The Attorneys for the applicant and the Cherokee Nation
announce that they have no further testimony to introduce,
this case will be closed and a decision rendered on the evi-
dence heretofore introduced.

George H. Lesley, being first duly sworn, states that as
stenographer to the Commissioner to the Five Civilized Tribes, he re-
ported the proceedings had in the above entitled cause, and that the
above and foregoing is a true and correct transcript of his sten-
ographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 5th day of October, 1905.

Myron White
Notary Public.

CAB
LP

Cherokee freedman D 629
Cherokee D 2344.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mattie McNair, nee Hailstack, as a Cherokee Freedman.

O R D E R .

The records in the two above cases show that on June 8, 1901, Mattie McNair appeared before the Commission to the Five Civilized Tribes at Chelsea, Indian Territory, and made application for the enrollment of herself and her minor son, James Landrum, as Cherokee Freedmen, and that said applicants were duly listed for enrollment on Cherokee Freedman card D 629; and that on June 30, 1902, Emmet Starr appeared before said Commission at Muskogee, Indian Territory, and made application for the enrollment of one Martha Hailstack (Hailstack) as a citizen of the Cherokee Nation, and said applicant was duly listed for enrollment on Cherokee card D 2344.

The evidence filed in said cases shows that Mattie McNair and Martha Hailstack (Hailstack) are one and the same person.

It is, therefore, ordered that Cherokee card D 2344 be cancelled and that the record of proceedings had in re application of the said Martha Hailstack (Hailstack), be transferred and made a part of the record in the case of Mattie McNair and her son, James Landrum, Cherokee Freedman D 629.

W. O. Beale
Acting Commissioner.

Dated at Muskogee, Indian Territory,
this MAR 26 1906

C7B

COPY.

Cherokee Freedmen D 629

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mattie McNair (nee Hallstock) and her minor son, James Landrum, as Cherokee freedmen.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Chelms, Indian Territory, on June 8, 1901, Mattie McNair appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her minor son, James Landrum, as Cherokee Freedmen, and that said applicants were duly listed for enrollment on Cherokee Freedmen Doubtful card 529; that further proceedings in the matter of said application were had at Nowata, Indian Territory on June 27, 1901, and that the testimony taken at various times and places in the matter of the application for the enrollment as Cherokee freedmen of Katie Blackwell et al., Cherokee Freedmen D 327, and that taken in the matter of the application for the enrollment as Cherokee freedmen of Mary Riley, et al., Cherokee Freedmen D 624, is filed with and made a part of the record in this case; that on April 20, 1904, the Commission to the Five Civilized Tribes rendered its decision in the consolidated case of Katie Blackwell, et al., Cherokee Freedmen D 327, et al., denying, among others, the application for the enrollment of Mattie McNair and James Landrum as Cherokee freedmen, and that said decision was on October 31, 1904 (I.T.D. 8133-1904) duly affirmed by the Department.

THE RECORDS FURTHER SHOW: That on June 30, 1903, Ernest Starr appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of one Martha Hallstock (Hallstock), who is identified on the authenticated Cherokee tribal roll of 1880 as a native Cherokee,

as a citizen of the Cherokee Nation and that said applicant was duly listed for enrollment on Cherokee Doubtful card 2344; that further proceedings in the matter of said application were had at Tahlequah, Indian Territory, March 16, and at Muskogee, Indian Territory, September 28, 1906, in which it is shown that Mattie McNair and Martha Hailstack (Hailstack), are one and the same person.

The record further shows that on March 14, 1906 (I.T.D. 8138-04, 4720-05, 8469-05), in compliance with the request of the Commission to the Five Civilized Tribes of March 28, 1905, the Department rescinded its decision of October 31, 1904, in the Cherokee Freedman case of Katie Blackwell, et al., insofar as it refers to Mattie McNair and her son, James Landrum, and returned their case to this office for readjudication.

THE EVIDENCE IN THIS CASE SHOWS: That the principal applicant herein, Mattie McNair, nee Hailstack, is the daughter of one Mammie Vann, nee Morgan, who was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that she was born in the Cherokee Nation, since 1865; is duly identified on the authenticated Cherokee tribal roll of 1880, and has continuously resided in the Cherokee Nation since birth.

The evidence further shows that the minor applicant herein, James Landrum, is the son of the principal applicant, Mattie McNair, was born in the Cherokee Nation, since 1880, and has continuously resided therein since birth. Said minor applicant, with his mother, is identified on the Kern-Clifton roll, Coowasee district, No. 3665.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), Mattie McNair and James Landrum are entitled to enrollment as Cherokee Freedmen, and their application for enrollment as such is accordingly granted.

SIGNED.

James D. Kirby
Commissioner

Dated at Muskogee, Indian Territory,

this

APR 19 1906

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Mattie McHair, et al.

629

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

D. C. 10278-1906

(C O P Y)

Y P.
LLB

I.T.D. 8138-1904
8720-1905
8669 - "

DEPARTMENT OF THE INTERIOR

WASHINGTON.

L R S

March 14, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 25, 1905, the Commission to the Five Civilized Tribes recommended that the decision of the Department, in letter to the Commission of October 31, 1904, approving its decision in the Cherokee freedman case of Mattie Blackwell et al., adverse to the applicants, except Henry Chambers, be rescinded so far as it relates to Mattie McNair and her son, James Landrum, as it is believed Mattie McNair can be identified upon the 1880 authenticated Cherokee roll.

The said decision of the Department is hereby rescinded as to Mattie McNair and James Landrum, and you are authorized to re-adjudicate the case. The record is returned as requested.

As, however, motions for review as to other claimants in this consolidated case are pending, it is requested that the record be returned, direct, to the Department with as little delay as possible.

Respectfully

Through the Commissioner
of Indian Affairs.

(Signed) THOS RYAN
First Assistant Secretary

1 inclosure.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen

D-629.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

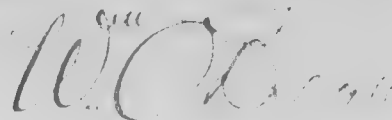
Muskogee, Indian Territory, March 20, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed you herewith a copy of Departmental letter of March 14, 1906, wherein the decision of the Secretary of the Interior, dated October 31, 1904, approving the decision of the Commission to the Five Civilized Tribes in the Cherokee freedmen enrollment case of Katie Blackwell, et al., adverse to the applicants, except Henry Chambers, is rescinded as to Mattie McNair and her child, James Landrum, and the case remanded to this office for readjudication. The applicant has this day been advised of this action and informed if any further evidence is required in order to readjudicate her case she will be duly advised thereof and given an opportunity to offer same.

Respectfully,



Acting Commissioner.

Incl. S-67

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen

D-629.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 27, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of an order of the Acting Commissioner to the Five Civilized Tribes, dated March 26, 1906, to be filed with and made a part of the record in the matter of the application of Mattie McNair for the enrollment of herself and child, James Landrum, as Cherokee freedmen.

Respectfully,

W. O. Beau

Acting Commissioner.

Incl. 8-86

REPORT IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-629.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 19, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated April 19, 1906, granting the application for the enrollment of Mattie McNair and James Dandrum as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. You will be informed of the Secretary's action as soon as this office is advised of the same.

Respectfully,

W. O. Beall
Acting Commissioner.

Incl. B-70

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DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

June 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated April 13, 1906, transmitting the record of the application for enrollment as Cherokee freedmen by Mattie McNair and her minor son James Landrum. April 19, 1906 the Commissioner decided favorably to both the applicants.

The records show that on June 8, 1901, Mattie McNair appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her minor child, James Landrum, as Cherokee freedmen, and that the applicants were duly listed for employment as Cherokee Freedmen certified card 29; the Commission rendered its decision in this among other cases denying the enrollment of Mattie McNair and James Landrum, and that the decision was on October 31, 1904, (ITD 8138-1904) approved by the Department. The record further shows that on March 14, 1906 (ITD 8869-05) the Department rescinded its action and returned the case of Mattie McNair and James Landrum.

The evidence in the case shows that Mattie McNair born Halstock, is the daughter of one Mannie Vann born Morgan who was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was born in the Cherokee Nation since 1866, is clearly identified on the 1880 authenticated tribal roll, and has continuously resided in the Cherokee Nation since birth; that James Landrum is the son of the principal applicant, was born in the Cherokee Nation since 1880 and has continuously resided therein since his birth.

In view of the record and of Section 21 of the Act of June 28, 1898(30 Stats., 495), the approval of the Commissioner's decision favorable to the applicants is recommended.

Very respectfully,

C F. Larrabee,
Acting Commissioner.

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DEPARTMENT OF THE INTERIOR
WASHINGTON

I.T.D. 4720-1905.
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September 19, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Acting Commissioner of Indian Affairs dated June 15, 1906, your decision of April 19, 1906, finding that Mattie McNair, nee Hailstock is identical with Martha Hailstock whose name appears upon the authenticated Creek tribal roll of 1880, and that her minor son, James Landrum, born to her since the date of said roll, are entitled to entallment as Cherokee freedmen, is hereby affirmed.

You will advise applicant and her resident counsel, Fred P. Branson, Esq., of Muskogee, Ind. T., of this action.

A copy of the Indian Office letter is inclosed.

Respectfully,

Jes se E Wilson

1 inclosure.

Assistant Secretary.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Y

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 3, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated April 19, 1906, granting the applications for enrollment of Mattie McHair nee Hailstock, and James Landrum, as Cherokee freedmen, was affirmed by the Secretary of the Interior, September 19, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.H.J.-50.
H.J.C.

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 8th, 1901.

In the matter of the application of Robert Webber for the enrollment of himself and wife as a Cherokee Freedman, said Webber being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith for Applicants.
Mr. J. S. Davenport for Cherokee Nation.

- Q Give me your name? A Robert Webber.
Q How old are you? A About 65.
Q What is your post office? A About 65.
Q What is your post office? A Hayden.
Q In what district do you live? A I live in Cooweescoowee District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A My wife.
Q Is that all? A My children.
Q How many children? A Four.
Q You have got four children that are under 21? A No, they are all married.
Q Then it is just you and your wife? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life, born here.
Q Were you out during the war? A Yes, sir.
Q What time did you come back? A I came back in '66.
Q Have you lived here ever since you got back in 1866? A Yes, sir.
Q Were you the slave of a Cherokee citizen when the war broke out?
A Yes, sir, I was the slave of old Akey Webber.
Q Was she a recognized citizen of the Cherokee Nation?
A Yes, sir, full blooded Indian.
Q What time did you come back in 1866? A Along in the summer.
Q To what point did you come? A I come on the Barren Fork in Tahlequah District.
Q You came right to Barren Fork? A Yes, sir.
Q Give me the name of your wife? A Margaret.
Q How old is your wife? A She is about 66.
Q When did you marry her? A In time of the war.
Q Was she a slave of a Cherokee citizen when the war broke out?
A Yes, sir.
Q Whom did she belong to? A John Gunter's mother.
Q What was her name? A Nancy Ward.
Q Was she a well known and recognized citizen of the Cherokee Nation? A Yes, sir, I guess so, she always drew money with them.
Q Did this woman, Margaret, go with you to Kansas?
A No, sir, we was in Texas together.
Q You didn't go to Kansas? A No, sir.
Q She went with you? A That is where I found her when I got her.
Q You married her down there? A Yes, sir.
Q Was she there with a Cherokee by blood? A Yes, sir.
Q Did the Wards have her there? A Yes, sir.
Q Did she come back with you? A Yes, sir; I brought her back.
Q Has she lived in the Cherokee Nation ever since? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The 1896 census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 180, #4410, Robert Webber, Cooweescoowee District.
Page 178, #4288, Margaret Webber, Cooweescoowee District.

Robert Webber, et al.--2.

Q Now, how does it happen that neither you nor your wife is on the roll of 1880? A Well, I guess they just didn't want to put it on t here.

Q What reason did they give? A Didn't give any reason.

Q Did you talk to them about it when they come around?

A Yes, sir.

Q What did they say? A Didn't say anything, said they put it down.

Q Did they tell you it was all right or they didn't know?

A They didn't know; wasn't but one man told me it was all right and that was Rufus Ross.

Q Did you ever go to Tahlequah and see about having your rights recognized? A Yes, sir.

Q When did you go? A When John Chambers was Judge.

Q Did you attend his Court? A Yes, sir, he sent a summon for me.

Q And you have proceedings there before his Court? A Yes, sir.

Q And what was the result of the proceedings? A He put me off for two or three weeks.

Q An' then what did they do? A When I went back then had done tried me and they put me on the doubtful roll and I said it was a poot way to try a man and him absent.

Q Did they question you when you first went there? A No, he just talked some when I went there and told me all he wanted was good evidence.

Q Did he examine any witnesses? A No, sir.

Q Did he ask you about when you come back and all about it?

A Yes, sir.

Q Asked you all about it at that time? A Yes, sir.

Q He took your own evidence? A Yes, sir; I got to the door and he got to talking Cherokee to me and we stood there talking Cherokee a long time and he said we will put it off for two weeks and I returned in side of two weeks.

Q Did you take any witnesses? A Yes, sir, they are dead now.

Q Did you take them back in that two weeks? A No, sir, they lived down there.

Q Did they live at Tahlequah? A Yes, sir.

Q You had them there at the end of two weeks did you? A Yes, sir.

BY MR. MELLETTTE:

Q Who did you come back with? A I come with a fellow by the name of Web Crittendon.

Q Where is the first point you struck in the Cherokee Nation when you came here? A The first pint I struck was on the Illinois River by Mr. Musgrove's; I come down the big road, down Lindsey's prairie.

Q Where did you come from? A I come from Caldine Gunter's.

Q In what State? A That was in Arkansas he lived, I moved him there.

BY COM'R BRECKINRIDGE: You moved him from where? A From Texas.

Q How long did you stay at Caldine Gunter's? A I stayed there that winter, in '65, and in '66 I left them, told mother there was a limit and I had better get back.

Q Is that up in Washington Country, Arkansas? A Benton County I think.

Q Did you stay there as much as a year? A No, sir.

Q What time of the year was it you got there? A In the winter.

Q And what time did you ~~like~~ leave? A I left inthe Spring.

Q The following Spring? A Yes, sir, the following spring.

Q You came to Gunter's from Texas? A Yes, sir.

Q About what time in the winter? A I don't know just exactly.

Q Well about how long after Christmas? A Oh, I guess it must have been a week or two after Christmas.

Q How did you happen to leave Texas and go up to Gunter's?

A He was coming back and he said he would bring me back.

Robert Webber, et al.--4.

- Q At Siloam Springs, Arkansas? A Yes, sir.
Q Was your wife living with him? A I guess so, I didn't know anything about her when they were living there.
Q You met her in Texas? A Yes, sir.
Q Well, was she living with Caldine Gunter in Texas? A Yes, sir.
Q And she belonged to Caldine Gunter at the time she went back with Caldine Gunter to his house? A Yes, sir, she was in the family.
Q Now, you and your wife have a lot of children? A Yes, sir.
Q They are of age? A Yes, sir.
Q They may need to claim in your case so I will take their names now; give me their names? A Frank Webber.
Q How old is Frank? A About 37.
Q And then the next child? A Katie but then she went in wher her husband.
Q She went in with her husband? A Yes, sir.
Q What is her present name? A She is a Manley now.
Q Has she already applied? A Yes, sir.
Q Now, the next child? A Josh.
Q How old is Josh? A 33.
Q Now, the next child? A Sam.
Q How old is Sam? A 30.
Q Now, the next child? A Ella, you got her down with her old man, Ella Wright.
Q Has she applied yet? A Yes, sir, told me to speak to you about it; she was down with him, Walter Wright, I guess he put his name down.
Q What is the name of Katie's husband? A Joe Manley.
Q Which one comes next to Ella? A That is all.

LOUIS D. DANIELS, being sworn and examined by Commissioner C. R. Breekinridge, testified as follows:

- Q Give me your name? A Louis D. Daniels; age 56, post office Claremore.
Q How long have you lived in the Cherokee Nation? A All my life, sir.
Q Are you on the 1880 roll? A Yes, sir.
Q Do you know this applicant here? A Yes, sir.
Q Did you know him before the war? A No, sir, I got acquainted with him after the surrender.
Q Where did you first meet him after the surrender? A In Fort Gibson, sir.
Q When was that you met him in Fort Gibson? A That was in the summer of '66.
Q That was the first time you met him was it? A Per me to know him.
Q What were the circumstances of your meeting, were you acquainted with him? A There were eight or ten of us going to go out and hunt some meat and kill some beeves, we was allowed to kill beeves by going to the Chief and getting a permit, and we come up to Grand river and got an order from Chief ~~Daniels~~ ^{Dawney} to kill some beeves and Bob was in the crowd with me.
Q This man, Bob? A Yes, sir, there were several of us, there is six living now.
Q Did he go with you to kill the beeves? A Yes, sir.
Q Did he go with you to kill the beeves? A Yes, sir.
Q And you remember of his being in that party? A Yew, sir, and every man remembers it that is living.
Q Were there any other times that you have met him? A Yes, sir, I have met him since that; after he left Fort Gibson I don't know exactly what time I met him in '68 on Barran Fork; I were going by thereto buy some hags and I stayed all night with him in the Cherokee Nation, about 15 miles the other side of Tahlequah.

Robert Webber, et al. -- 3.

Q Where was he living when you met him in Fort Gibson? A He was staying with his brother. I guess, I didn't ask him.
Q Where was his brother living? A Right in Fort Gibson, Dada Webber.

BY MR. DAVENPORT:

Q Now, Louis, the first time you remember seeing Bob here in the Cherokee Nation from the time you went to get an order from Louis Downing to kill some Beeves? A I may have seen him before that, but I didn't know it was Bob Webber.

ROBERT WEBBER, the applicant, recalled: BY COM' R BRIDG:

Q These children you have named are five children are they all the children of your wife, Margaret? A Yes, sir.
Q Were you ever married before you married Margaret? A Yes, sir.
Q Back in old slavery times? A Yes, sir.
Q Was your wife dead? A No, sir, but we are parted, she is right down here now.
Q Your wife, Margaret, had she been married before? A Yes, sir.
Q Had she been parted before the war? A Yes, sir.

FRANK ROSS, being sworn and examined by Commissioner C. R. Breakinridge, & satisfied as follows:

Q Give your name. A Frank Ross.
Q How old are you? A 53.
Q What is your post office? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you on the roll of 1890? A Yes, sir.
Q Were you a slave in the Cherokee Nation when the war came on?
A Yes, sir.
Q Did you know this applicant here, Robert Webber, before the war?
A No, sir.
Q Did you meet him after the war? A Yes, sir.
Q Where and when did you first meet him after the war?
A Met him down here on Pryors Creek.
Q What was he doing down there? A Hunting beeves, cattle.
Q Whom was that? A In '66, in August.
Q Who were with him? A Louis Daniels and Haze Rogers and Dada Webber and George Ross, that is all I saw; I didn't go down to the camp, I met them out on the prairie.
Q Did you hunt with them? A No, sir, I had been hunting, I was going on home when I met him.
Q Have you seen much of him from that time on? A Yes, sir, I have seen him off and on ever since that time.
Q Has he always continued to lived in the Cherokee Nation?
A Yes, sir.

BY MR. DAVENPORT:

Q You didn't leave the Nation, did you, Frank, during the war?
A I was out about eight months altogether.
Q When did you return? A '66.
Q What time of the year? A In March.
Q Where were you living at the time the treaty was made?
A I lived down here on Pryors Creek.
Q What place? A Down there, this side of where the railroad goes.
Q Was there any one living there at that time? A No, sir, I lived there, my father and mother.

Robert Webber, et al.,--6.

Q Wasn't any improvements there on the farm? A None except what we put there.

Q When did you put them there? A We moved up there in the fall of '66, we moved from the Rider place to Pryors Creek.

Q You moved up there in the fall of '66? A Yes, sir.

Q There were not any improvements there when you moved there?

A No, sir, I was hunting beevens.

Q You had got an order from the Chief to hunt Beevens? A I lived right there by the Chief.

Q What Chief? A Downing.

Q That was in August, 1866? A Yes, sir.

Q What time in August, '66? A About the first of August.

Q When did Louis Downing become Chief? A He was only acting Chief then, he run the next coming year, because I voted for him; didn't vote for him either, voted for Bill Ross.

Q You remember distinctly it was in 1866? A Yes, sir.

Q Where was Robert Webber living then? A I don't know, he come from down below there.

Q You never asked him any questions about that? A No, sir, I knew Louis Daniels and all of them and I knew George Ross because we was raised together.

Q That is the George Ross that lives down here about Claremore?

A Yes, sir.

SAM WEBBER, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Your name is Sam Webber is it? A Yes, sir.

Q How old are you? A About 58.

Q What is your post office? A Nowata.

Q How long have you lived in the Cherokee Nation? A I was born here and raised here and come back in '66 here.

Q Are you on the 1880 roll? A Yes, sir.

Q Were you a slave in the Cherokee Nation when the war broke out?

A Yes, sir.

Q Did you know this man, Robert Webber before the war broke out?

A Yes, sir.

Q To whom did he belong? A Akay Webber, some woman I belonged to.

Q She was a recognized Cherokee citizen was she? A Yes, sir, talked all Cherokee, could not talk any English.

Q Did this man go out with you when the war came up?

A No, sir, I found him with the Pin Indians. When they pulled up and went north I found him with them when they went there.

Q Where was that? A That was somewhere near on the line, Arkansas line, where I found him when I went to him.

Q When was that? A That was along sometime near the war commenced.

Q He was with the Pins? A Yes, sir, when I seen him.

Q What did you see of him after that? A He was taken prisoner and was taken off and I didn't see him any more. His wife come to Kansas and said they come and got him at their house one night and I never seen him any more.

Q His wife come to your house? A Come to the soldiers' quarters.

Q Who did she say took him? A The Bushwhackers.

Q And they took him north? A No, sir, taken him south what she said.

Q And you don't know what they did with him down there?

A No, sir.

Q When did you see him after the war? A I saw him here along after the war when I lived up here he come up to see us.

Q That was two or three years after you got back? A Yes, sir.

Q When did you get back? A '66.

Q And that was '66 or '67? A Yes, sir, somewhere along there.

Robert Webber, et al.--7.

BY MR. DAVENPORT:

Q Sam, what became of Bob's wife after she came up to the Soldiers' camp? A She stayed there and went to Bigsaw.
Q Where were you camped at that time? A Over here about, I can't think of the name of the place, over here in Arkansas.
Q Now, what year was that? A That was along, the war run a little while.
Q Fighting was going on then? A Yes, sir.

ROBERT WEBBER, the applicant, recalled: BY COM'R BRUCK-INRIDGE:

Q What is this about your being with the Pin Indians? A I was a soldier.
Q Soldier in the army A Yes, sir.
Q And you were captured were you? A Yes, sir.
Q And what did they do with you? A They took me to Texas.
Q You didn't go down to Texas with your Mistress, Akey Webber?
A No, sir, she was dead.
Q When did she die? A She died in '61.
Q Who did you belong to after your Mistress died? A I belonged to nobody, you see she died in '61 and I was still on the place.
Q You don't know who claimed you at that time? A No, sir.
Q Who had charge of the place? A Her son, Robin Webber.
Q Well, did you recognize his authority? A Oh, yes.
Q Well then when they took you down to Texas what did you do?
A I drove teams.
Q For whom? A The Southern Government.
Q Did you find this woman down there? A Yes, sir.
Q Did you find any of your people down there?
A Found Charley Webber, son of Akey.
Q Were you hired out to the Southern Government? A Yes, sir.
Q Who did the hire? A Charley Webber I suppose.
Q What did you have to do with Webber at that time?
A They took me there and hauled and he was working for the Government.
Q What did this young Webber have to do with it? A The war was nearly over and he said I could just stay there.
Q Was he living in Gunter's neighborhood? A Not sir, he heard of me later and came over after me.
Q Then you married this woman that belonged to Gunter?
A Yes, sir.
Q This woman Margaret? A Yes, sir.
Q And went on up to Gunter in Benton County? A Yes, sir.
Q Now, when you first came back from Texas you went to Benton County? A Yes, sir.
Q And then from Benton County where did you go? A To the Cherokee Nation.
Q Whereabouts? A On the Barren Fork.
Q How far to the south of Barren Fork?
A It must be about ten or 12 miles above.
Q Well how long after you got there to Barren Fork was it before you ever had an occasion to go down to Fort Gibson?
A I don't know, sir, how long I stayed at Barren Fork before I went to Fort Gibson.
Q What neighbors did you have down there? A Dago Gunter and Wooten Looney.
Q Is that the time you got with Louis Daniels? A Yes, sir.
Q Did you go on that cattle hunt with them? A Yes, sir.
Q After that where did you go? A I went back to Barren Fork.
Q How long did you live there? A About four years.

BY MR. DAVENPORT:

Robbery Webber, et al.--8.

Q Bob, in giving your testimony a while ago how did it happen that you didn't say anything about being taken by the soldiers south?

A You asked me how I got down there as I know of.

Q Didn't I ask you if you didn't go down there with Caldine Gunter and family? A Yes, sir.

Q Didn't you tell me on cross-examination that you had married this girl before you went south? A No, sir.

Q And didn't you tell me that you lived with a that Gunter lived about 35 or 40 miles from where Webbers lived and that Gunters lived in Arkansas and that you lived in Tahlequah? A Yes, sir.

Q How many children has your wife got? A Yes, sir.

Q How old is your eldest child? A 31.

Q What time did you go to Texas when the soldiers took you there? A I don't know.

Q When did you and your wife marry? A Shortly after we got there.

Q How about the war, was it over? A No, sir, the war was going on.

BY COM'R BRACKENRIDGE:

Q Who was Caldine Gunter's wife? A She was a Ward.

Q Was she a Cherokee? A Yes, sir.

Q Was Gunter himself a Cherokee? A No, sir.

Q Where is Nancy Gunter living now? A She is living here.

Q Where? A In Benton County.

Q Has she lived there ever since the war? A I guess so.

Q You never heard of her coming back?

A No, sir, I never heard of her since.

COM'R BRACKENRIDGE:--The applicant applies for the enrollment of himself and wife. The applicant is identified on the Kern Clifton roll, but not upon the roll of 1880 or upon that of 1896. It appears that he was a slave of a Cherokee citizen in the Cherokee Nation at the breaking out of the Civil War. He was taken to the State of Texas and it is quite satisfactorily established that he returned to the Cherokee Nation in the year 1866, and that he has lived in the Cherokee Nation ever since. He states that he applied to the Cherokee Court and at one part of his testimony he said that they ~~deferred~~ deferred his case and decided in his absence and in another part of his testimony he said that he was told by the Court that he was rejected at that time because he had returned too late after the war. By this as it may the present testimony given by witnesses who are considered credible indicates that he did return within the time required by the treaty of 1866 and no real valid objection is seen at this time to his enrollment, but inasmuch as he was omitted from the roll of 1880 and for the further consideration by the full Commission of the conditions states, he will at present be listed for enrollment as a Cherokee Freedman on a Doubtful card and the final decision of the Commission will be made known to him at his post office address.

As for his wife, she is identified on the Kern-Clifton roll, and her mistress, Nancy Ward, it appears was a Cherokee woman but prior to the roll she was married to one Caldine Gunter who lived in Benton County, Arkansas, and she was there residing with her husband, and the applicant's wife was living with them in the state of Arkansas prior to the breaking out of the Civil War. She was taken to the state of Texas where she met the applicant and they were married and after the war she returned to Benton County, Arkansas, her husband going with her, and he alleges that prior to the time he was taken down to have been at Fort Gibson in the

year 1866, he had brought his wife to the Barren Fork of the Illinois River in the Cherokee Nation and that they had there located.

Q Has your wife lived in the Cherokee Nation ever since you brought her after the war? A Yes, sir.

The weight of the testimony at present is that his wife by reason of the change of ownership that she underwent prior to the war and that was maintained in her case during the war, was not in a position to avail herself of the rights of Freedmen arising under the treaty of 1866. It may be, but it is not established, that Gunter and his wife were subsequently readmitted to Cherokee citizenship, but a decided weight of the testimony is that the wife of Calbine Gunter never resumed citizenship in the Cherokee Nation after taking up her residence in the State of Texas prior to the Civil War. Therefore, under these conditions there appears at present really no valid reason to justify the enrollment of the applicant's wife, Margaret, but for their further consideration of her case, as stated, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card; but the applicant has five children enumerated in the testimony all of whom have now reached their majority and whose rights perhaps depend primarily upon the status of the applicant and his wife. Now, it seems from the testimony that both the applicant and his wife were married previous to their marriage but that he was separated by the war and under the operation of the institution of slavery from his wife, and she was similarly separated from her first husband and that under these conditions they contracted marriage in the State of Texas while the war was going on. Now it is not considered that the strict meaning of the laws of marriage are applicable to people as the applicant and his wife at that time, and it is believed at present that the marriage contracted by him and his wife, Margaret, during the war and maintained continuously from that time until now is a valid marriage, and that these children should be considered the lawful children of the applicant and his wife and that they should enjoy, in the absence of any testimony to the contrary, all the rights that may be finally established for the applicant himself.

SUPPLEMENTAL INTERROGATORIES by Capt. Breckinridge. The Applicant recalled:

Q Are these children all the children of your wife, Margaret?

A Yes, sir.

Q How many of them were born in Texas, any of them? A The eldest one was born in Texas before we left.

Q Frank? A Yes, sir.

Q And then Frank is older than you think he is? A That is what I call him, what I think he is.

Q But he was born in Texas? A Yes, sir.

Q Did Frank come with you and your wife? A Yes, sir.

Q Came with you even to Barren Fork? A Yes, sir.

Q Now, these other children were they all born in the Cherokee Nation?

A Yes, sir.

Q Have they always lived in the Cherokee Nation? A Yes, sir.

Robert Webber, et al. - 10.

BY MR. DAVENPORT: The Representatives of the Cherokee Nation protest against the enrollment of his wife, Margaret, for the reason that Cherokee card #422 gives the testimony of Nancy Gunter in full, who was alleged to have been the owner of the wife of the applicant at the time the war broke out, which testimony shows the continued residence of Nancy Gunter in the State of Arkansas for years and up to and including the date of the giving of the testimony which was on the 26th day of September, 1900.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 31st day of June, 1901.

[Signature]

Commissioner.

SUPPLEMENTAL: Cherokee Freedman doubtful 330.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 11, 1901.

In the matter of the application of Robert Webber for the enrollment of himself as a Cherokee Freedman; being sworn and examined by commissioner Breckinridge, he testified as follows:

Subpoenaed.

Mr. Mallette, or Mallette & Smith, for applicant;
Mr. Hastings, for the Cherokee Nation.

- Q Give your name? A Robert Webber.
Q How old are you? A 35.
Q Are you the husband of Margaret Webber? A Yes sir.
Q You applied here a few days ago? A Yes sir.
BY MR. HASTINGS:
Q Who did you give as your owner? A Old Akey Webber.
Q Did you belong to Akey Webber at the time the war came up?
A Yes sir.
Q You know Jim Little & Vinita? A Yes sir.
Q Did you know him before the war? A No sir.
Q Did you know his father, Daniel Little before the war? A No sir.
Q When did you become acquainted with Daniel Little? A After I was taken prisoner.
Q Was brought you back to this country? A I came with Mr. Gunter,
as far as this place.

MR. MALLETTE:

- Q What Gunter was that? A Caldeen Gunter.
BY MR. HASTINGS:

- Q Where did Caldeen Gunter live? He lived up there at Sialan
Springs, I guess that's the place.
Q A Kansas? A Yes sir.
Q You never belonged to Daniel Little before the war? A No sir.
Q You never returned with him after the war? A No sir.
Q Did you ever work for him? A I worked for him a little while.
Q Before or after the war? A After the war.
Q How long after the war? A In the spring of '66.
Q Jim Little was at home at that time? A Yes sir.
Q And he knows about it? A Yes sir.

BY MR. MALLETTE:

- Q How close to the line did you come with old man Gunter? A It
couldn't have been more than a mile, I guess from his house to the
line.
Q Sialan Springs is right on the Cherokee line? A Yes sir.
Q Is Caldeen Gunter the father of your Gunter here at Vinita? A
Yes sir.
Q John Gunter is a recognized citizen of the Cherokee nation? A Yes
sir. They say they has recognized him; he told me he was admitted
there, and one of his sisters.
Q MR. HASTINGS: Was admitted? A Yes sir, at this court.

Don't Breckinridge: This will be added as additional testimony
through the Freedman doubtful card 330.

M. A. GIBSON, being sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in his case and that his foregoing is a
true and complete transcript of his stenographic notes.

Subscribed and sworn to before me this June 11, 1901.

[Handwritten signatures and initials]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 14th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER, et al., as Cherokee Freedmen, introduced on part
of Cherokee Nation:

APPEARANCES:

Mr. Smith of Counsel for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

ELIZA CHANDLER, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

Q. DAVENPORT: What is your name? A. Eliza Chandler.

Q. Where do you live, Mrs. Chandler? A. In Vinita.

Q. How old are you? A. 54.

Q. Where were you living at the breaking out of the war?
A. Arkansas.

Q. Did you leave the State of Arkansas during the war and your
family? A. Yes, sir.

Q. Your father, what was his first name? A. Caldwine Gunter.

Q. Did your father own any slaves at the breaking out of the war?
A. Yes, sir.

Q. Do you know whether or not he owned a woman by the name of Mar-
garet? A. Yes, sir.

Q. Do you know what she afterwards married and lived with as his
wife? A. Yes, sir.

Q. Whom did she live with Mrs. Chandler? A. Bob Webber, he goes
by that name.

Q. Do you know what became of Margaret during the war? A. Yes, sir.

Q. Where did she go? A. We carried her to Texas with us.

Q. Well, after the close of the war what became of her? A. We
brought her back to Arkansas.

Q. You got back to Arkansas in what year? A. In '65.

Q. How long did she live with you after you got back to Arkansas,
that is, did she live there at all? A. She only stayed a little
while; they moved up on Butler's creek.

Q. Butler's creek, Territory of Arkansas? A. Arkansas, at Mr.
Tittles.

Q. Do you know what Mr. Tittles first name was? A. Dan.

Q. Did you know Bob Webber before the war? A. No, sir, I first
seen him in Texas.

Q. And he came down there while you were in Texas? A. Yes, sir.

Q. Did he come back with you and your family? A. Yes, sir.

Q. Was he with Margaret when they moved up on Butler's creek in
Arkansas? A. Yes, sir.

Q. About what year was that they moved up on Butler's creek at Dan
Tittles in Arkansas? A. It was in the winter of '65.

Q. Now, Margaret as I understand was owned by your father at the
breaking out of the war? A. Yes, sir.

Q. You don't know of your own knowledge who owned Bob? A. No, sir.

Q. Was your father and your mother a citizen of the Cherokee Nation
at that time, or any of your family? A. No, sir.

Q. They weren't citizens when they returned from the south, were
they? A. No, sir.

MR. SMITH: Mrs. Chandler, your mother was a Cherokee Indian,
was she not? A. Yes, sir.

Q. She was readmitted to citizenship here, I understood you to say
here in another case? A. Yes, sir.

Q Well, do you remember what month you returned to Arkansas in 1865? A I think it was in November, I won't be positive.
Q Not sure? A No, sir.
Q Well, none of your family owned Robert Webber? A No, sir.
Q Did you know anything about him before the war? A No, sir, did not.
Q You say after the war he was married to a woman named Margaret? A It was in time of the war that they came to our house in Texas.
Q Well, then when you took Robert Webber and Margaret to Arkansas they were still husband and wife there, were they? A Yes, sir, after we come back.
Q Now, you don't remember the month that they went up on this Butler creek, you are speaking about? A No, sir, they went that winter some time.
Q You mean the winter or is the year you returned? A Yes, sir.
Q That was in '65? A Yes.
Q How far from that place where they went to from where you lived? A About 25 miles.
Q How far did you live from the Cherokee Nation? A I guess it was about two miles and a half.
Q Lived right on the line? A Yes, sir.
Q You don't know of your own knowledge where Robert Webber was during the year 1866? A Well, he made a crop up there on Butler's creek and then he moved back that summer down to Pa's, and then he come down here in the Nation, or said he was coming and left his family there at our place until in the fall and then he come back and moved them down in the Nation, I reckon. I have seen her here since I have been in the Nation.
Q Well, at the time you came back with these people from Texas the war was over? A Yes, sir.
Q They were free then? A Yes, sir.
Q They could go wherever they wanted to? A Yes, sir.
Q And they were only two miles and a half from where you lived to the Cherokee Nation line? A Yes, sir.
Q Now, you can't state of your own knowledge either when Robert Webber or his wife first came into the Cherokee Nation after the war was over? A No, sir, I would not try to state.

JOHN T. GUNTER, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John T. Gunter.
Q Where do you live, Mr. Gunter? A Live in Vinita, Indian Territory.
Q How old are you? A 40.
Q Where were you living at the time war broke out? A Living in Benton County, Arkansas.
Q Your father's name was Galdine Gunter? A Yes, sir.
Q Did your father own a slave, a woman, at that time by the name of Margaret? A Yes, sir.
Q Do you know whether or not she was married before the breaking out of the war? A Yes, sir, she had a son named Adam.
Q What became of Margaret during the war, if you know, Mr. Gunter? A My father took her to Texas.
Q How long did she stay there? A Until 1866 when we returned to Arkansas.
Q Did you have her and the fellow by the name of Bob Webber? A Yes, sir.
Q Did he and Margaret live together as man and wife? A Yes, sir.
Q Where did you first see Webber? A Hopkins County, Texas.
Q How long did he stay there? A He stayed there until '65, drove a team back for my father.
Q To what point did you come? A Benton County, Arkansas.

Q Were your family citizens of the Cherokee Nation at that time?
A No, sir.

Q Were they citizens of the Cherokee Nation at the breaking out of the war? A No, sir.

Q Well, after they came back to Benton County, Arkansas, what became of Margaret and Bob, if you know? A They left my father's house and went to Dan Tittler near Sulphur Springs.

Q What place? A Benton County, Arkansas.

Q Do you know how long they stayed there? A They went there in the winter of '65 and stayed until the fall of '66, made a crop at Dan Tittler; I don't know whether they made a crop or not.

Q Well, what became of them then? A Along in the fall Bob came back to my father's and he and Uncle Dan had fell out and he wanted to move back and my father had a little old smoke house and fixed that up for them and moved his family there, and stayed there that winter, he went away and was gone, quite a while, I don't know where he was, there in the Terr tory somewhere he said he was going.

Q That was the winter of '66? A Yes, sir.

Q What took place after that? A In the spring of '67, he moved his family here.

Q Do you know who Bob belonged to before the breaking out of the war? A No, sir.

Q You don't know anything about him, about as to who he belonged to? A Only what he told me; he said he belonged to the Webbers.

Q Margaret belonged to your father? A Yes, sir.

MR. SMITH: That Webber did he say he belonged to? A I don't know.

Q Was there an Akey webber? A I don't know of her.

Q You weren't acquainted with her? A No, sir.

Q You weren't in the Cherokee Nation before the war? A No, sir.

Q Didn't live here? A No, sir.

Q Now, you say, Mr. Gunter, Bob Webber, this applicant moved his family into the Territory in the spring of '67? A Yes, sir, in the spring of '67.

Q Well, now, can you state the month? A No, sir, but it was some time early in the spring.

Q You can't be positive as to the month? A No, sir.

Q Was it as early as first of the year, '67? A No, sir, grass was up, cattle was grazing on the grass, and the reason I can remember it, my father made Margaret a present of a cow and a calf, and sent me out to drive her up and get her off of the grass; it was a young calf, he took them with him.

Q Robert Webber had made preparations to made to the Cherokee Nation before that? A I think he went to George Roach's on Barron Form before that.

Q That was in the winter of '66? A Yes, sir, at least he was gone quite a while.

Q That is where he said he was going? A That is where he said he was going.

Q Well, your father and your mother and children were all admitted to citizenship here after the war? A Yes, sir.

Q That was in what year? A 1880.

Q This woman, Margaret, that used to belong to your father was this man's wife? A Yes, sir, lived with her.

Q This man you speak of her having been with that was in Slavery times? A Yes, sir.

Q What became of Adams? A He went to Kansas I was told.

Q Was did Adams belong to? A Belonged to my father.

Q Why didn't he go with your father? A He went away before we were freed.

Q Was he sold? A No, sir, in '62 when the army came down there was a number of our slaves went away and some of them returned and some of them didn't, there is one of them lives up here at Fort Scott.

Q Well, this man Adam that you speak of and Margaret, they were just simply living together under the fashion of slaves at that time?

A Yes, sir.

Q No marriage about it? A No, sir.

Q They were separated from each other by the exigencies of war?

A Yes, sir.

Q You never heard of Adam afterwards? A Yes, sir, I have heard of him.

Q You never seen him? A No, sir.

Q Do you know how Robert came down to Texas? A Yes, sir, I know how he came to Hopkins County, he come with Dan Tittles and Jim.

Q Do you know whether the Pin Indians ever got him or not? A No, sir.

Q Did you ever hear? A No, sir, I heard Dan Tittles bought him and took him to Texas; the Pin Indians didn't come that way.

Q Do you know whether he was ever captured from the Pin Indians by anybody? A Never heard of it.

Q All you know about Robert whether is that he came to Texas?

A No, sir.

Q Mr. Gunter, your mother was a Cherokee by blood? A Yes, sir.

Q And you say she was brought up in the Cherokee Nation?

A Yes, sir, she was born and raised in the Cherokee Nation.

Q Was she in the Cherokee Nation when she married? A Married just across the line.

Q Living in the Cherokee Nation when she married? A Yes, sir.

Q And when she married your father went across the line of Arkansas to live? A Yes, sir.

Q During the time of the war did she claim to be a Cherokee Indian?

A Yes, sir.

Q Draw money? A Drew money in '53 I believe it was.

Q What money was that? A Old settler money.

Q Did she exercise any other rights or did any of your family before the war? A No, sir.

Q You didn't live in the Cherokee Nation? A No, sir; never except her mother and brothers and sisters, none of our immediate family.

Q But in the year 1880 she was formally admitted by an Act of the Council? A Yes, sir, Court created by the Council.

Q Mr. Gunter, can you state whether there were many or few of these Acts of Admission? A Admitting people to citizenship?

Q Yes? A Yes, sir, there were a great many.

Q They were applied for in favor of persons living in the Nation and claiming to be citizens? A Yes, living out and wanted to return, that is, had been citizens at one time and moved out and forfeited their citizenship; they applied to the Council for readmission. My mother being residing in the Territory and going out she forfeited her citizenship.

Q That is she stated she had forfeited it, you don't know whether she forfeited or of not? A That is her understanding.

MR. DAVENPORT: What brought up the question of their applying to the Council, Mr. Gunter, if you know? A It was the understanding of the laws and constitution of the Cherokee Nation.

Q If they expected to participate in the benefits of the Cherokee Nation, they must be readmitted? A Yes, sir.

Q Your father was not a citizen of the Cherokee Nation?

A No, sir.

MR. NEEDLES: What was your father's property was your mother's?

A I don't know.

Com'r Needles: This testimony will be made part of the case at bar and made part of the record in D.#563, D.#628, D.#691, and D.#680.

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2. Described and applied to persons in the City of October 1941.

Geography and History

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Opinion



Comptroller

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINTA, I.T., OCTOBER 19th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WILKIN as a Cherokee Freedman: Introduced on part of the
Cherokee Nation.

APPENDICES:

Hellett & Sons, Attorneys for applicant;
Mr. [unclear], of Council for Cherokee Nation.

J. M. FRANK, being duly sworn by Commissioner Needles,
testified as follows in part of Cherokee Nation:

Q. What is your name? A. J. M. Frank.

Q. How old are you? A. 41 years.

Q. Do you know Robert Wilkin, the applicant in this case?

A. Yes, sir.

Q. How long have you known him? A. Ever since about '85, '86 or '87.

Q. Did he ever go long with any of your family? A. He belonged to
my family.

Q. Where did you know him? A. He lived in the country, Ark-
ansas.

Q. Did you know him when he was from Eastern Kentucky, Arkansas?

A. No, sir.

Q. Did you go down during the war any of your family, or do you
know any of your family there, but we want to know.

Q. Well, what family? A. During the war, if you mean.

A. We were in the army, A. Yes, sir.

Q. Where did you go? A. I went to the place.

Q. Where was that? A. In the [unclear] Arkansas.

Q. How long did you stay there? A. He went there in the
fall of '87, I think, until the fall of '88.

Q. At that time, were you [unclear] in [unclear]?

A. Yes, sir. I was [unclear] in [unclear].

Q. How long did you stay there? A. About 15 years.

Q. Were you ever in the [unclear] of the Cherokee
Nation? A. Yes, sir. I was in the [unclear] of the Cherokee
Nation.

Q. Well, what was your position? A. I was [unclear] in
your old [unclear] in [unclear].

Q. Did you ever [unclear] in [unclear]? A. Yes, sir.

Q. What was your position? A. I was [unclear] in [unclear].

Q. How long did you stay there? A. I was [unclear] in [unclear].

Q. Where did you go? A. I went to the [unclear] of the [unclear].

Q. How long did you stay there? A. I was [unclear] in [unclear].

Q. Where did you go? A. I went to the [unclear] of the [unclear].

Q. How long did you stay there? A. I was [unclear] in [unclear].

Q. Where did you go? A. I went to the [unclear] of the [unclear].

Q. How long did you stay there? A. I was [unclear] in [unclear].

Q. Where did you go? A. I went to the [unclear] of the [unclear].

Q. How long did you stay there? A. I was [unclear] in [unclear].

Q. Where did you go? A. I went to the [unclear] of the [unclear].

up; it was in '46.

Q He was in this Cherokee Nation, Indian Territory? A Yes, sir.

Q Now, then, when he married he was a citizen? A Yes, sir.

Q How long did he continue to live in the Cherokee Nation?

A He lived there when I was about five years old; let's see, married in '46, that would be, I think we left there in '52.

Q Where did you go? A First went to Texas and stayed there a while and came back to the Cherokee Nation and stayed until after the old Settler payment and went to Arkansas; we drew money in the old settler payment.

Q Your family all drew money in the old Settler's payment?

A Yes, sir.

Q In what year was that? A I think that was in '52; '1 or '2.

Q How long after that was it before you went into Arkansas?

A Right away after that.

Q How many years? A Oh, I guess probably inside of a year or such matter.

Q Where did you live in Arkansas? A Benton County.

Q How far from the line? A What line, Arkansas line or Missouri line.

Q The Cherokee Nation line? A It was about ten miles from Cherokee line and three miles from Missouri line.

Q What was your father's name? A Dan Tittle.

Q Who did your father get this man from? A Fellow by the name of John Grimmett.

Q When did he get him? A About '62.

Q Where did he get him from? A Down here about Mayesville.

Q Who is Grimmett? A He is said to be the owner of Rob, who he bought him from.

Q Where did Grimmett live? A He lived down there in the Nation somewhere.

Q He was a Cherokee, Grimmett was? A I don't know whether he was or not.

Q Did you ever know Grimmetts? A No, sir.

Q Well, do you know what date it was that he bought this man?

A I think it was in '62 I think.

Q It was after the war had commenced? A Yes, sir.

Q It might have been in '62? A It was in '62. Somewhere along there as well as I remember about it.

Q You think it could not have been as late as 1864? A No, for we had him before he was bought, and we kept him there and went down on the Arkansas river and come back there and found Grimmett and bought him.

Q It was either in '62 or '3 your father bought him? A Yes, sir.

Q He had been captured and taken there? A Yes, sir, went down there and come back and he bought him.

Q Do you know who he had been captured from? A Only what he said; he said he belonged to as well as I remember, he belonged to Mrs. Webber, and Mrs. Grimmett was a daughter of Mrs. Webber.

Q What was Webber's name? A I don't know.

Q Did you ever know an Akey Webber? A No, sir.

Q Akey Webber was a citizen of the Cherokee Nation when the war came up? A I don't know.

Q Now, you claim that your father owned this man in '62 or 'w?

A Yes, sir.

Q Where did he own him? A Benton County, Arkansas.

Q Who lived near him when he owned him? A In the settlement there.

Q Yes. A The nearest fellow in the neighborhood was a man by the name of Wells, and Thomas.

Q Are they living there now? A I guess they are all dead now.

Q Does anybody but you know that your father owned this man?

A Yes, sir.

Q Who? A Will Thompson, living at Bentonville, Arkansas, and

Eph Thompson that lived on Butler's creek where I lived, he is living there yet.

Q How long do you claim this man Robert Webber was with your father from the time you say your father bought him? A He must have been with him including the time we left, three or four years.

Q What time you say he left your father? A He left him in the fall of '66.

Q Well, it was a man named Grinnett that your father undertook to buy him from? A That is the man he bought him from.

Q After the man had been captured and taken out of the Indian Territory? A Yes, sir.

Q And you don't know what right Grinnett had for selling if he had any? A No, sir, claimed he sold him.

COM'R NEEDLES: As I understand your father before that was a citizen of the Cherokee Nation? A Yes, sir.

Q And when did he come back to the Cherokee Nation?

A He come back in '67.

Q And was re-admitted? A Yes, sir.

Q And this darkey was not with him then? A No, sir.

MR. SMITH: Now, Mr. Tittle, you lived in Arkansas after you went out after the old Settler payment; what property did your father have back in the Cherokee Nation? A He didn't have any when he lived there; he killed a man and they kept hunting him.

COM'R NEEDLES: He fledged over there? A Yes, sir, he stood his trial and come clear.

Q Where did he stand his trial? A Right on the line right close to High Sose at that time.

Q In the Cherokee Nation? A In the State.

Q He killed a man in the State? A Killed an Indian in the State and tried him right at the place he killed him.

Q When he killed the Indian he was living in the Cherokee Nation?

A No, sir, he was living in the State; right within a quarter of where he killed him; but I had been born in the Nation.

MR. SMITH: What Court did they try him in in the State of Arkansas? A Arkansas Court.

Q What Court? A Courts from Bentonville come down there and tried him.

Q Tried him in Bentonville? A No, sir.

Q They had to have a Court there? A I don't know; they tried him at Cal Gunter's right on the edge of Lindsey's prairie.

Q It is the regular Circuit Court in Benton County, Arkansas, tried him? A I could not tell you; they come there and tried him.

Q What did they try him in? A Tried him in Cal Gunter's house.

Q You don't claim that it was a court of the State of Arkansas?

A Yes, sir.

Q Come down to Cal Gunter's house? A Yes, sir.

Q They were very accommodating at that time?

A I can't tell you anything about that, that was where he was tried.

Q Well, now, during all that time he claimed to be a citizen of the Cherokee Nation? A He was not at that time was tried because he was living in the State of Arkansas.

Q That didn't keep him from being a citizen because he was not living in the Cherokee Nation? A He was not a citizen at that time.

MR. DAVIDPORT: This was a trial before a Justice of the Peace? A I don't know; they had a trial and he come clear; I was a small boy, about five years old; there was about three hundred men with him and the Indians had gathered five or six hundred with them, and he was tried right there at the line.

COM'R NEEDLES: This will be made part of the record in the case at bar, and also D-628, D-663, D-691, D-680.

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J. O. Benson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Benson

Subscribed and sworn to before me this November 5th, 1901.

[Signature]

Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Robert Webber et al for
enrollment as Cherokee freedmen.

SUPPLEMENTAL TO D-630.

APPEARANCES:

Mallotte & Smith for applicants.
W. V. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation in 1871, as appears of record in a book in part of the records of the Executive Department of the Cherokee Nation entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," under the head of Coovescooves District, and opposite No. 24, the following:

"Robert Webber, give no satisfaction, too late.
Decided against claimant June 18, 1871."

MR. SMITH: The applicant objects to the introduction of the above for the reason that the alleged judgment shows upon the face of it that it is no judgment at all, and because there is no showing that any step necessary to the rendition of a valid judgment was ever taken, and because the above quoted entry is all that there purports to be regarding any case of the Cherokee Nation against the said Robert Webber, and that the same is wholly insufficient in law to show any action which would be valid or binding, and because the Robert Webber named in said entry is not shown to be identical with the applicant herein, and because it is incompetent to prove any record of the Cherokee Nation in the manner and form sought to be used in this instance.

COMMISSION: Attention is here invited to the descendants of said Robert Webber, whose names appear upon the following Cherokee Freedmen cards: D-622, D-663, D-680, and D-691.

Arthur O. Crapinger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22th day of May, 1902.

Arthur O. Crapinger
[Signature]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. T., May 31, 1902.

In the matter of the application of PERCY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Hallette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Robert Peter, F 436,

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant, and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record when then the decrees already referred to

in the case of Moses Whitire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the action of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

(Signed) P. G. Reuter,
Notary Public.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Margarette Webster

630

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

Cher Fr D 631

Cher Fr D 631

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Arthur L. Bell.

631

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Narcis . Oum, et al.

631

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

Cher Fr D 632

Cher Fr D 632

File with Cherokee Freedmen, 2-

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8, 1901.

In the matter of the application of Nancy Ross for the enrollment of herself and two children as Cherokee Freedmen.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of Council for Cherokee Nation.

NANCY ROSS, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Nancy Ross.
Q How old are you? A I don't know how old I am.
Q About how old? A About up in the sixties.
Q What is your postoffice? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My children.
Q Have you any children that are under 21 years of age that are not married? A Yes, sir.
Q How many? A Two.
Q What are their names? A Arthur and Emma.
Q How old is Arthur? A He is 20.
Q How old is Emma? A Emma is 18.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A The Clifton roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Nancy Ross on page 152, No. 3764, Cooweescoowee district;
Arthur Ross on page 152, No. 3763, Cooweescoowee district;
Emma Ross on page 152, No. 3765, Cooweescoowee district.

- Q Why is your name not on the roll of 1880, do you know?
A I don't know.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A Lewis Ross.
Q Have you got any witnesses in your case? A Yes, sir, Frank Ross and my Ross and Mose Hardrick.
Q Where were you born? A Born at the Rosses, born on Ross place.
Q Was Lewis Ross a Cherokee citizen? A Yes, sir.
Q Well, did you go out of the Cherokee Nation during the war between the north and south? A Went out when the war broke out.
Q Where did you go to? A Went north.
Q Where did you go to, Kansas? A Yes, sir.
Q You were in Kansas during the war? A Yes, sir.
Q When did you come back to the Cherokee Nation? A Come back in '66
Q You been living here ever since? A Ever since, yes, sir.
Q Where did you come to when you came back? A Came back to Russell Creek.

Mr. Mellette: Who came with you? A My husband and my children, myself and another woman, who lived in the Creek Nation, came down with us.

Commissioner: What was your husband's name? A Mose Ross.

Q Is he living? A No, sir, he is dead.

Q Have you been married since his death? A No, sir.

Mr. Hastings: You just came back with your husband and your own family? A And another family, man and wife, John Rennie and his wife and two children.

- Q You came to Russell Creek? A Yes, sir.
- Q How long did you stop there at Russell Creek? A Stopped there that spring and fall after I came down.
- Q Did you make a crop up on Russell Creek? A Not any more than a little garden stuff.
- Q Built a little house? A Yes, I built a little house.
- Q Put in a crop of corn? A No, didn't put in any corn.
- Q Did this other family stop with you? A Yes, sir, they stopped.
- Q How many children did you have at that time? A Four.
- Q How many children did this other man have? A Two.
- Q Had you ever been to Russell Creek before the war? A If I was I didn't know it.
- Q Had your husband? A I don't know whether he had been.
- Q Where did you meet your husband first? A We both belonged to Ross; met him at Ross.
- Q You know that he lived there at Ross when the war came up? A I don't know where the war was, nothing about the men's affairs.
- Q The Rosses lived down about Tahlequah? A The Rosses lived at the old asylum, Lewis Ross, there is where I was raised.
- Q That was fifty or sixty miles from Russell Creek? A I don't know how far it was.
- Q How far did you locate from Chetopa? A I don't know nothing about Chetopa, I never heard of Chetopa.
- Q Didn't you come through that town when you moved to Russell Creek? A Never saw the town.
- Q Did you apply to the Fern-Clifton Commission five years ago? A I applied when they had the poll.
- Q About how many acres did you have in that little patch? A I don't know, just a small little place.
- Q Four or five acres? A I don't know whether that much or not, I raised the garden stuff and a little coming corn, just a little patch.
- Q Where did you come from? A Came from Fort Scott.
- Q What time of the year did you leave Fort Scott? A In April.
- Q Well, was Sam Webber up there at Fort Scott when you left? A Took no notice who was there, there was a good many people of all nations and all colors and all kinds, I don't know who was up there.
- Q Do you know him? A I didn't know him, he might have been there.
- Q You know Uncle Nelson Marshall, he had left up there, hadn't he? A I don't know whether he was there or not, the people was up in all parts of the town, I stayed down in the part by the old mill, and there was people camped all around there.
- Q You had heard about the treaty passing when you came down? A I never heard a thing of the treaty.
- Q We've heard about it at Fort Scott? A No, sir.
- Q Well, after you went over the Kansas line did you go on Russell Creek? A I don't know.
- Q What time did you leave Russell Creek? A I left there in the fall after I stayed all the fall.
- Q About what time in the fall? A Well, I guess it was along about the last part of the fall when I left there.
- Q About Christmas time? A A little before I think.
- Q Where did you go from there? A I went to the River.
- Q To Grand River? A Yes, sir.
- Q Well, you saw Allen Lynch down on the river? A No, I went to their brothers.
- Q Were Hardrick? A Yes, and Jeff Lyons.
- Q Was Jeff Lyons living down there? A Yes, sir, he was living down there, my oldest brother.

Q Who else was living down there? A Tom Moore.

Q Who else? A Uncle Simon Lynch.

Q How long did you stay down on the river? A I only stayed there three weeks.

Q Where did you go from there? A I went to Vinegar Creek.

Q Where is Vinegar Creek? A It is up above Russell Creek I reckon. It is away up towards Coffeyville or away up above that somewhere.

Q Then you went there in the early spring of '67? A I went up to Vinegar Creek that winter. I just left Russell Creek and went to the River and stayed three weeks and then went to Vinegar Creek that winter.

Q Who did you see while you were on Russell Creek? A I saw an old white man there said his name was Hannah.

Q Did he have a house up there? A Yes, sir.

Q How far were you from the state line on Russell Creek? A I don't know where the state line was.

Q How came you to locate up there away from everybody? A Well I guess my husband wanted to get up there and locate, he was the one, I wasn't locating, it was him.

Q Did you have a spring up there? A Got water out of the Creek.

Q On which side of Russell Creek did you live? A Lived on the west side, it was Vinegar Creek.

Q I mean on Russell Creek, when you first came there? A Lived on the south side of Russell Creek.

Q How far from the railroad? A Wasn't any railroad there.

Q Where did you get anything to eat all that spring and summer?

A Don't you suppose we brought victuals with us; how do you reckon we could make but until we raised a little corn and things?

Q Tell us the best you can where that was on Russell Creek?

A I lived just about a mile I guess south of the road.

Q Of what road? A On Russell Creek south of the road there.

Q Of the military road? A I don't know whether it was or not.

Q A big road? A Yes, sir, I don't know whether it was a military road.

Q And you stayed there the year '67? A Yes, sir, I was there from the spring to fall.

Q Did you see anybody at all while you lived there? A Never saw anybody except the folks lived with us, only Art Williams stopped there and Uncle Simon Lynch stopped there a time or two.

Q And that is the only ones you saw? A Yes, sir.

Q You never went to visit your brother until the fall? A Yes, sir.

Q And they never visited you? A No, sir.

Q Never saw anyone pass there except those two you mentioned?

A I never noticed who passed the road and who didn't, a great many passed, during all the time I wasn't in good health, I was sick.

Q How far did you locate on Vinegar Creek from the state line?

A I don't know nothing about the state line.

Q Who was living up there when you went up there on Vinegar Creek?

A A man by the name of Hannah, he pretended to be an Indian but he wasn't nothing but a white man and a rebel at that, and he was living there.

Q Did he have any family? A He had a few children, and a wife. I guess it was his wife, I didn't have much to do with them.

Q How do you know that he was a rebel? A I know he was a rebel, 'cause he talked and acted like one.

Q He acted peculiar, did he? A Yes, he did.

Q Did he have a family up there? A No, sir, I didn't see nothing but himself and wife.

Q He had a house? A Yes, sir.

Q How far from you was his house from you? A I don't know, it wasn't very far.

Q Wasn't any colored people near you up there? A No, not where

I was.

Q You say that was up in Kansas? A No, I didn't say it was in Kansas.

Q What Creek does Vinegar Creek empty into? A I don't know; it must empty into your creek I reckon.

Q Is that as much as you know about Vinegar Creek? A Yes, that is as much as I know about Vinegar Creek.

Q Did you build a house up there? A Yes, built a house up there.

Q How far was that from Coffeyville? A I don't know.

Q Were you ever at Coffeyville? A No.

Q You wasn't? A Not when I lived there.

Q Know who was your nearest colored neighbors up there? A My nearest colored neighbors at that time, there wasn't any there as I know of then, but after a while my husband went out and said Uncle Nelson Marshall lived about three miles up there, but I didn't go over there, I was sick all the time.

Q You didn't see him for a long time after you went up there?

A No, sir.

Q Did you see him for about five years? A I don't know whether it was five or ten, I was sick all the time, I wasn't studying anything about him.

Q Did you have any doctors? A No, sir.

Q Do you know any year from another? A I guess I do, I guess I got about sense enough to know winter from summer.

Q What year was that oldest child born? A Born in '57 they say, in the records.

Q What year was the Wallace Court sitting here? A I don't know what year they sat here.

Q What year did the Kern-Clifton Court sit? A I don't know that either, I know I was there.

Q You had to prove up before them? A Of course I had to prove up before them.

Q You don't remember it at all? A No, I don't remember what year it was, it was three or four years ago I guess, I was there.

Q Do you know what year this is? A No.

Q Where did you apply to the Kern-Clifton Commission? A Out here.

Q By the name of Nancy Ross? A Nancy Ross.

Q You applied for yourself? A Yes, sir, and children and grandchildren.

Q What are your children's and grandchildren's names, all Ross?

A Yes, sir, all Ross.

Q When did Moss Ross die? A Died in 1866.

Mr. Mellette: Nancy, you say that Moss Ross, your husband, returned with you in 1866 to the Cherokee Nation? A Yes, sir.

Q Now I want to ask you about your children, I want to identify them so they can come in and appear for themselves. Did you have a son named Ned Ross? A Yes, sir.

Q Was he born before the war or after? A Born before the war.

Q Did he return to the Cherokee Nation with you? A Yes, sir.

Q Did you have a son named Cyrus? A Yes, sir.

Q Was he born before or after the war? A He was born before the war.

Q Did he return to the Cherokee Nation with you? A Yes, sir.

Q What was your next child? A Kizzie.

Q Was she born before the war? A Yes, sir, she had a baby when I went out.

Q Did she return to the Cherokee Nation then? A Yes, sir.

Q What was your next child? A George.

Q When was he born? A He was born in Kansas during the war.

Q Did he return to the Cherokee Nation with you? A Yes sir.

- Q Did you have a child named Martha? A Yes, sir.
- Q Where was she born? A On Russell Creek.
- Q After you returned? A Yes, sir.
- Q What is your next child? A Nelson.
- Q What is the next? A Harry.
- Q Where were Nelson and Harry born? A Harry was born on Grand River and Nelson was born on Vinegar Creek.
- Q Was that after you returned to the Cherokee Nation after the war?
- A Yes, sir.
- Q What was the next child? A Mary.
- Q And the next one? A Arthur.
- Q And the next one? A Emma.
- Mr. Hastings: Did they ever call you Nancy Grubbs? A Yes, sir, I have been called Nancy Grubbs.
- Q Don't you live in Iola, Kansas? A I have been in Iola, Kansas, yes.
- Q When was the last time you were there? A I was there last winter, right there.
- Q You have been living there, have you? A Well, I was up there working, I am not living there.
- Q Well, how long have you been working up there? A I go up and work a month or two or two or three months if I want to.
- Q Where did Moss Ross die? A He died in Fort Scott.
- Q You were living in Fort Scott at the time? A No, I was living here, he went up there.
- Q Where was your home here then? A I was on the river then.
- Q In what settlement? A In Moss Kendrick's settlement.
- Q You had a place down there? A No, I didn't have no place, I was just stopping there, but his health was poor.
- Q Did you have a child named Rizzie? A Yes, sir.
- Q Where was Rizzie born? A Rizzie was born at the old Asylum before the war.
- Q Did you have a child named Martha? A Yes, sir.
- Q Where was Martha born? A Born on Russell Creek.
- Q You had a child named Nelson? A Yes, sir.
- Q Where was Nelson born? A Born on Vinegar Creek.
- Q You had a child named Harry? A Yes, sir.
- Q Where was he born? A Born at my brother, Jefferson Lyon's.
- Q You had a girl named Mary? A Yes, sir.
- Q Where was Mary born? A She was born at Moss's.
- Q Where was your husband most of this time? A He was there of course, he never died till after the children was all born.
- Q Is Arthur your child? A Yes, sir.
- Q Where was Arthur born? A Born at Uncle Simon's.
- Q You were just living about from place to place? A Yes, sir.
- Q Where was Emma born? A She was born at Uncle Simon's too; I got two children born at Uncle Simon's.
- Q How long was Emma born before your husband's death? A Well I guess she was about two years old, over two years old.
- Q Did you take these children back to Fort Scott when your husband died? A No, sir, none but the baby.
- Q Where were the rest of these children at that time? A Living there at my brother's.
- Q Which one? A Moss and Jeff. left them children with my folks; some was at Mayfield's, my cousin.
- Q When did your brother Jeff die? A I don't remember.
- Q Did he die before your husband? A No, sir, he didn't.
- Q Did he die after 1880? A I don't know whether he died in 1880 or when, he didn't die before my husband.
- Q You got a son named George? A Yes, sir.
- Q Where was George married? A I don't know where he was married.

Q What is his wife's name? A He had a wife named Josie he said; my boys isn't with me.

Q Where were they? A I don't know where they were.

Q Wasn't George up in Kansas? A He might have been in Kansas, or any other place, I don't know where he was.

Q He wasn't with you when he married? A No, sir.

Q Have you seen his wife? A No, I haven't seen his wife.

Q Where is he living now? A I don't know.

Q Where is Martha now? A She is dead.

Q Where is Nelson? A He is here.

Q Where has Nelson been living? A On Big Creek.

Q Where did he go to on Big Creek? A He can answer that himself.

Q When did he leave you? A He left me off and on when he went to school.

Q Where did he go to school? A Some in Fort Scott and some in Parsons.

Q That is while you were living up there? A No, I wasn't living up there.

Q Where did you live now, after your husband died, in 1886? A In 1886 I was living on the river.

Q When did you first go back to Kansas? A I don't remember when I first went back; whenever I took a notion to go back, I took up and go; whenever I wanted to make some money I would pick myself up and go, go to the train and buy my ticket and go; I went in the day and I come in the day; I thought as I was a free woman I could do as I pleased.

Q Do you know where George's children were born? A If George has got any children I don't know it.

Q Who are these children you apply for; Daniel and Roy and Bessie and Lewis? A Daniel and Roy belong to him.

Q Where does Kizzie live? A She is living here, I guess, the last time I saw her a year ago she was in Vinita.

Q How long had she been living at Vinita? A I don't know, I just went down to Vinita and saw her.

Q You don't know where these children were born? A No, sir.

Q Where was she married? A I don't know.

Q What is her husband's name? A She has got a statement.

Q Don't you remember she married in Fort Scott? A I don't know where she married.

Q What is his full name? A I think his name is Taylor, is all I ever heard.

Q You never did have a home here? A Never did till now! I have got a home.

Q Were you living in a house in Fort Scott when your husband died? A No, I wasn't living in a house.

Q What was you doing up there? A Took him there, he was sick; the same doctor that doctor'd him during the war was there.

Q He has doctor'd him ever since the war, too, hasn't he? A No, sir, he hasn't.

Mr. Mallette: What did you say about where you have lived since you came here in '66; where has been your home? A Just first one place and another, on the river.

Q What country has been your home? A The whole country has been my home.

Q What country has been your home? A The Cherokee Nation.

Mr. Hastings: Objected to by the representatives of the Cherokee Nation, because it is a legal question; ask her where she has lived; let the facts develop where her home is.

Mr. Mallette: What country have you lived in since you came here in 1886? A Cherokee Nation.

Mr. Hastings: You have lived in Kansas too, haven't you? A I was living up there when I was only working, you don't suppose I was dead, do you.

MOSE HARDRICK, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Mose Hardrick.

Q What is your age? A 71.

Q Where do you live? A Up here on Pryor Creek.

Q Do you know the applicant Nancy Ross? A Yes, sir.

Q What relation is she to you? A My sister.

Q Do you know whether she was a slave in the Cherokee Nation before the war? A Yes, sir.

Q Who owned her? A Lewis Ross.

Q A Cherokee Indian, was he? A Yes, sir.

Q Do you know when she returned to the Cherokee Nation after the war? A No, sir, not exactly.

Q When did you first see her in the Cherokee Nation after the war?

A I seen her here in the summer.

Q What year? A Of 1866.

Q Where did you see her? A She came over to my place on Grand River.

Q Who was her husband? A Moses Grubbs was her husband.

Q That was his other name besides Grubbs? A Moses Ross, belonged to Lewis Ross.

Q Where has the applicant lived since that time in '66 when she came to your place? A I can't tell you.

Q Have you seen her? A Yes, sir, several times, at my place.

Q Did she live in your part of the country any length of time?

A She came there and stayed a while with me, sometimes a month or two weeks and then she would go back to her home.

Q Where was her home? A She said she was living up on Russell Creek.

Q Do you know of your own knowledge what other parts of the country she has lived in? A No, sir.

Q How often since '66, how frequently would you see her during that 15 years? A I can't tell, I never noticed the time.

Q Did you see her often or not? A Well, tolerably often, just now and then.

Q Where would you see her? A Sometimes at my house, sometimes at my brother's, and there in the neighborhood where I lived at.

Q Did you ever see her any other place in the Cherokee Nation besides over there? A I just saw her around at neighbors' houses.

Q Were you much acquainted up in the country about Coffeyville?

A No, sir.

Q Do you know where Vinegar Creek is? A No, sir, just only heard of it.

Q Do you know of her living up there of your own personal knowledge?

A I don't, I just heard like Rogers say she lived up there.

Mr. Hastings: About how many times you think you have seen her in 35 years? A I can't tell you, I never kept no count.

Q Have you seen her half a dozen times? A I expect more than that; I never kept no count.

Q She would come down there to visit you now and then? A Yes, sir, she would come over to my house.

Q Do you know her daughter Missie? A Yes, sir.

Q She is living in Kansas, is she? A I don't know where she is living at.

Q You know she is married up there? A No, I didn't.

Q She has got a state man for a husband? A That is something I don't know.

Q You don't know her at all? A I don't know who all her children married.

Q Do you know where Nelson, her son, lives? A He lived up here on Big Creek.

Q How long has he lived up there? A I don't know how long, he has been teaching school up there a good while.

Q Do you know where this woman's husband is; is he dead? A Yes, she says he is dead; I didn't see him.

Q Did you ever see him? A Oh yes, I lived right on the place with him.

Q Did you see him after the war? A Yes, sir.

Q Where did you see him? A The last time I seen him it was up here in Kansas, and I haven't seen him since.

Q About the time the war closed? A No, sir, a little time after it closed.

Q Just before you came down here? A No, after that.

Q You had come down here yourself? A Yes, sir.

Q And went back and you saw him up there? A No, I didn't go back, he came down, I didn't go back.

Q Where did he come from? A Well, that is what I don't know, I didn't ask him.

Q Don't you know that this applicant has been living at Iola, Kansas? A No I don't, I have asked her several times and she told me no.

Q Do you know where this Mose Ross died? A I don't know that.

Q Didn't die at your house, did he? A No, sir, didn't die there.

Q You never was at Vinegar Creek? A No, sir, never was.

Q You never saw her on Russell Creek? A No, sir, never went up there that far since I have been in the Nation.

Q She would come to visit you once in a while? A Yes, sir.

Q About how long would she stay on a visit, a week or two? A Yes, sir, longer than that.

Q How long; a month? A She came one time and stayed nearly two months; she was confined there.

Q Where was her husband then? A I don't know.

Q He wasn't with her? A He wasn't with her.

FRANK ROSS, being duly sworn and examined before Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Frank Ross.

Q What is your age? A 53.

Q Where do you live? A Lightning Creek.

Q Are you on the authenticated roll of Freedmen citizens of the Cherokee Nation? A Yes, sir.

Q Do you know the applicant, Nancy Ross? A Yes, sir.

Q How long have you known her? A Ever since I can recollect.

Q Did you know her before the war? A Yes, sir.

Q Where did you know her? A Knew her at Lewis Ross' where we belonged.

Q Did she belong to the same person you did? A Yes, sir.

Q Did you know her husband, Mose Ross? A Yes, sir.

Q How do you know when she returned to the Cherokee Nation after the war? A I know when I saw her first.

Q When did you first see her? A In the fall of '66.

Q Where? A To her brother's, Mose Herdrick, on Grand River, east of Grand River.

Q How did you happen to see her there? A I was up there, went up there from where I lived, and she was there.

Q Where has she lived since that time, as far as you know? A Well, I can't tell where she has lived, only along about ten years after that I seen her up on Big Creek, where she is living now.

Q Is there a Vinegar Creek up there some place? A One up close to Coffeyville in there somewhere, I heard of one up there.

Q You saw her, you say, ten years after you first saw her, on Big Creek? A Yes, sir.

Q How long has she lived up there on Big Creek? A About 16 or 17 years I guess, as well as I can recollect; maybe not so long and maybe longer.

Mr. Hastings: How many times have you seen her in the Nation since '67? A I don't know, I have seen her a good many times.

Q About how many times? A I can't say; I have seen her a good many times.

Q You saw her at Moss Hardrick's the first time? A Yes, sir, at Moss Hardrick's, her brother.

Q What time of the year was that? A In the fall.

Q Was her husband with her? A I didn't see him.

Q Was her children with her? A I seen two.

Q Name them? A Ned and Kistie.

Q Was Kistie married then? A I don't know.

Q Was her husband with her? A I don't know.

Q You don't know whether she was married or not? A No, sir.

Q When did you next see her? A About ten years after that, I guess it was ten, nine or ten.

Q Was her husband living with her then? A Yes, he was sick then.

Q Where was she? A That was up on the river, up here on Big Creek.

Q Near whose place? A Well, it was near the Duffin settlement then.

Q Were you up there to her house? A Yes, I was to her house.

Q Was her husband there? A Yes, he was there when I got up there.

Q Now when was that? A I disremember what year it was in, it must have been along about '72 or '80, somewhere along in there.

Q Where did you see her after that? A A good many times after that.

Q Did she have a place on Big Creek? A Yes, sir.

Q She had a house built? A Yes, sir.

Q She is living on that same farm, and house now? A Yes, sir, in the same house and farm.

Commissioner: Nancy Ross applies for the enrollment of herself and two children, Arthur and Emma. She is not identified upon the authenticated roll of 1860, or the census roll of 1880. She is duly identified upon the Kern-Clifton roll. Her two children, Arthur and Emma, are also identified upon the Kern-Clifton roll. She avers that she was the slave of one Lewis Ross, a Cherokee citizen, and that she was married to one Moses Ross, ~~now deceased~~ or Moss Gribb, now deceased. She avers that she sent to Kansas during the war and returned in the year 1860. By reason of the fact that her name is not on the roll of 1860, and by reason of the fact of the especial protest of the Cherokee Nation against her enrollment, said Nancy Ross will be listed with her two children, Arthur and Emma, for enrollment as Cherokee Freedmen, on a doubtful card, awaiting further consideration by the Commission. She will be notified by mail of the decision of the Commission, when arrived at.

Supplemental testimony.

NANCY ROSS, recalled, testified as follows:

Commissioner: Now do you apply for some grandchildren? A Yes sir.

Q What are their names? A Bert Ross.

Mr. Mallotte: whose children are those grandchildren? A Cyrus.

Q Are they living with you? A Yes, sir.

Commissioner: How old is Bert? A I don't know his age.

Q About how old? A I guess he may be 17 I guess.

Q What is the name of the next one? A Lewis.

Q How old is Lewis? A I don't know how old he is.

Q About how old? A I just don't know.

Q Is he younger than Bert? A He is younger than Bert, Bert is the oldest one.

Q About how old is he? A I guess I would put him about 15.

Q What is the name of the father of these children? A Cyrus Ross.

Q Is he living? A No, sir, he is dead.

Q What is the mother's name? A I don't know the mother, she don't live with me, she just brought the children home.

Q Was Cyrus Ross your son? A Yes, sir.

Q When did he die? A He died several years ago.

Q Where? A Down here.

Q In the Cherokee Nation? A Yes, sir.

Q How old would he be if he was living? A I guess he would be 42.

Q Was he born a slave? A Yes, sir.

Q Where did he go during the war? A He went with me.

Q Did he belong to the same man you did, Lewis Ross? A Yes, sir.

Q Did he return with you? A Yes, sir.

Q Where were these children born? A Born on Grand River, in the Cherokee Nation.

Q Where was Cyrus Ross married? A I don't know, he was married in the Nation, he had a Nation woman.

Q Was his wife a state woman or a freedman? A She was a Nation woman.

Q Was she a slave? A Yes, sir, I guess so.

Q You don't know her name? A Her name was Sidney he said, she didn't live with me.

Q What Sidney? A I don't know.

Q Do you know whether they were ever married or not? A No, sir, he was sick when he came home, his wife was dead, and he just brought the children.

Q Now how many grandchildren you want to enroll? A I want to enroll six.

Q What are their names now? A Bert and Lewis and Georgia and Minnie and Roy and Nancy.

Q Georgia Ross? A Yes, sir.

Q And Minnie Ross? A Yes, sir.

Q And who else? A Nancy Ross.

Q And who else? A Roy Ross.

Q How old is Georgia Ross? A I don't know how old she is.

Q About how old? A I don't know, I can't say, for I don't know nothing about how old the grandchildren is.

Q You ought to post yourself on that before you come to apply.

Q Not my knows their ages except the fathers; I guess she may be 14.

Q How old is Minnie? A About 12 years old.

Q Well, how old is Nancy, about? A Nancy is another set, another daughter's children.

Q How old is she? A She is 9.

Q Well, how old is Roy? A He is 14.

Q Is Roy the brother of Nancy? A Yes, sir.

Q Well now, is Cyrus the father of Georgia and Minnie? A Yes, sir, he has got four.

Q And Bert and Lewis? A Yes, sir.

Q And their mother's name was one Sidney? A Sidney, he said.

Q Were they ever married? A I don't know.

Q Can you prove their marriage? A I don't know anything about it.

Q Well, that is what you will have to do. Who was the mother of

Nancy and Roy? A Martha.

Q She your daughter? A Yes, sir.

Q Is she living? A No, sir, she is dead.

Q When did she die? A She died since the Clifton Court.

Q How old would she be if she was living, about? A I think she would be 34 years old, I guess.

Q Was she born before or after the war? A She was born in '66.

Q Where? A On Russell Creek.

Q In the Cherokee Nation? A Yes, sir.

Q She lived there till she died? A Yes, sir.

Q Are these children all living? A Yes, sir, they are all living.

Q Are they living with you? A Yes, sir.

Mr. Hastings: Where at? A Up on Big Creek.

Q How long have they been living on Big Creek? A Been there ever since been there.

Q How long is that? A I guess I been living there 14 or 15 or 16 years, I reckon, I can't remember just how long I been living there.

Q You got a place there? A I got a place there now.

Q When did you make it? A I made it in 1897.

Q Who did you live with up there before that? A I lived with Katie Thornton.

Q You never lived on a place of your own have you? A I had a place rented up there.

Q Did you know where Cyrus Ross' children were born; did you ever see his wife? A No, I never saw his wife, he wasn't with me.

Q He was in Kansas? A No he wasn't in Kansas.

Q And all these children were born up there? A No.

Q How do you know? A I don't think he was.

Q You never saw his wife? A No, sir.

Q You are testifying here and you never saw his wife? A He said they were born in the Nation; he never came home till he was sick enough to die.

Q When did he die? A He died when he died.

Q When was that? A I don't know when he died, I don't know how many years it has been.

Q Has it been 20 years ago? A I don't think it was, I know it wasn't.

Q Is his wife living? A No, sir.

Q You don't know her name? A No, sir, only Sidney, because he was sick when he came there.

Q Don't you know where he was living, your own son? A No, sir; do you know where your own folks is living when they are grown and scattered about keeping up their business?

Q What was Martha's husband's name? A She didn't have no husband, just had them two children.

Q Where were them children born? A Born here.

Q Where? A Where? Born here in the Territory.

Q What part of the Territory? A On Big Creek.

Q In your house? A Yes, sir.

Q You were not keeping house at that time? A Yes sir, I was renting and keeping house.

Q Where did Martha die? A Up there.

Q Where? A Up on Big Creek.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Bart Ross on page 152, No. 3766, Coconino County district;

Lewis Ross on page 152, No. 3787, Coconino County district, as Lewis Ross;

Georgia Ross on page 152, No. 3788, Coconino County district;

Minnie Ross on page 152, No. 3789, Coconino County district.

Q Did Martha die since she got her Clifton money?

-12-

A She got her Clifton money, but they couldn't find the children's names, they were left off.

Q She didn't get it for the children? A No, sir, they were left off.

Q These children all living? A Yes, sir.

Q All living with you? A Yes, sir.

Commissioner: The applicant also applies for the enrollment of six grandchildren, to-wit, Bert Ross, Lewis Ross, Georgia Ross and Minnie Ross, who she avers are the children of her son Cyrus, by one Sidney. The children are duly identified upon the census roll of 1896, but no proof is made as to the marriage of Cyrus with the presumed mother of said children, and no proof as to where they were born, or as to the citizenship of their mother. She avers that she has two grandchildren, Nancy and Roy, and that they are the children of her child, Martha, now deceased, --

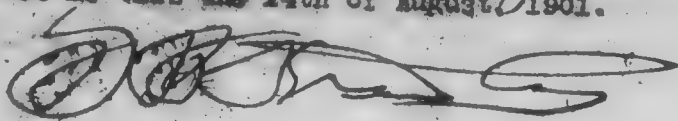
The Kern-Clifton roll examined, and the name of Martha Ross found thereon, page 152, No. 3759, Cooweescoowee district.

-- and the said Martha Ross is identified upon the Kern-Clifton roll. The names of the children Roy and Nancy cannot be identified upon any roll, and no satisfactory proof is made as to their citizenship, consequently it will be necessary first that satisfactory proof of marriage be made between Cyrus and his wife, the avowed mother of his children, and satisfactory proof of the birth made as to Nancy and Roy, the avowed children of Martha, and their names will be placed upon a doubtful card as Cherokee Freedmen awaiting further consideration by the Commission. They will be notified by mail when a decision is arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 14th of August, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chalsea, I.T., June 10, 1901.

In the matter of the application of Nelson Ross for enrollment as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant;

W. W. Hastings, of counsel for Cherokee Nation.

Nelson Ross, being duly sworn and examined by Commissioner

Needles, testified as follows:

Q What is your name? A Nelson Ross.

Q How old are you? A 32.

Q What is your post office address? A Wimer, Ind. Ter.

Q What district do you live in? A Coowasee coowee.

Q Are you a recognized citizen of the Cherokee Nation? A Not on the 1880 roll.

Q Are you on any of the rolls? A Kern-clifton roll.

Q Who do you want to enroll besides yourself? A Just myself.

Q What is your father's name? A Moss Ross.

Q Is he living? A No, sir.

Q What is your mother's name? A Nancy Ross.

Q Is she living? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.

The Kern-clifton roll examined, and the applicant identified thereon, page 152, No. 8760, Coowasee coowee district.

Q Your name on the Wallace roll? A I didn't draw the money, it is on the roll.

Q Where were you born? A Cherokee Nation.

Q Lived in the Cherokee Nation all your life? A Yes, sir.

Q Moses Ross who has been enrolled here, he is your father, is he?

A No, sir, my father is dead.

Q It was Nancy Ross? A Yes, sir, Nancy Ross.

Q She has been listed for enrollment, has she? A Yes, sir.

Mr. Hastings: You have lived in Iola, Kansas, haven't you?

A I have been to school in Iola, Kansas.

Q When you were first old enough to remember, where were you living? A On Grand River.

Q What place on Grand River? A Mose Hardrick's.

Q How long did you live with Mose Hardrick? A I lived there quite a while, I don't know how long.

Q Was he the same Mose Hardrick who testified in your mother's case?

A He is my mother's brother.

Q Did you live there more than a month? A I guess I did.

Q How long did you live there? A I lived there several years.

Q Continuously? A Yes, sir, in the neighborhood, at his place, on his place.

Q Was your father living then? A Yes, sir.

Q ~~Nancy Ross~~ At that time? A Yes, sir, my father lived there.

Q At the same time you were living there? A In my early childhood, that is where he is said to have lived.

Q Was your father living there when you lived there? A Yes, sir.

Q All the time? A He didn't live right there all the time, he lived there at several places around there, Mayfield and the Lynch settlement.

Q How old were you when you lived with Mose Hardrick? A I don't know, when I first recollect I was living there.

Q And how old were you when you left there? A I don't know that either.

Q There about how many years? A Must have been 12 or 14 years.

Nelson Ross - 2.

Q Were your father and mother living there at the same time? A Not just at that one place.

Q Where were they living? A Living around there on the river several places, they lived at Mr. Mayfield's some, Mr.

Q Tom Mayfield? A Old man Mayfield's, Charlie Mayfield's, some time and the Lynch settlement.

Q Did your father have a house down there? A They lived in a house.

Q On whose place? A On my uncle's place.

Q What was his name? A Mose Hardrick.

Q They lived in a house on his place? A Yes, sir, lived right there with them.

Q How long? A I can't tell you.

Q In the same house Mose Hardrick lived in? A Part of the time.

Q Did they live in a separate house? A There is two houses right there close together.

Q In the same yard? A Right in the same place, yes sir.

Q Were the houses in the same yard? A Yes, sir, the houses were adjoining.

Q How long did they live there? A I can't say, I didn't keep no count, I never thought of it; in fact I wasn't able to.

Q When did you go to Kansas first? Q When I went to school I don't recollect when I first went to Ghetopa.

Q How old were you? A I can't tell you that either.

Q When did you first go to Iola, Kansas? A I went there sometime in 1880.

Q You have lived there ever since? A I haven't.

Q Where have you been living? A I have been living right here.

Q Where? A On Grand River and on Big Creek.

Q Since 1880 who have you lived with on Grand River? A I haven't lived with nobody in particular, I have been staying some with Charlie Mayfield, and sometimes with Dick Hardrick, and sometimes I have been in Vinita with Dick's sister.

Q Where was your mother at that time, since 1880? A She was in the Territory.

Q Where? A On Grand River, and partly on Big Creek.

Q Well, when did you go to Big Creek? A I don't know, sometime about '91 or '92 the first time I was on Big Creek.

Q There was your mother at that time? A I don't know.

Q She was in Iola, Kansas, wasn't she? A She wasn't, she was up on Grand River; I never stayed with my mother all the time.

Q She stayed over around near this Mose Hardrick that testified for her? A Yes, sir, right out in the Lynch settlement.

Q She stayed out there till '91? A No she didn't, because she was over on Big Creek, had her things up there long before I was over there.

Q Where did you live on Big Creek, who are your neighbors? A Hudson.

Q Peter Hudson? A No, sir, William Hudson, Abe Hare, are my neighbors, and Alonso Ward.

Q I want to know definitely when you went to Big Creek, when you went to Big Creek to locate permanently? A I didn't locate permanently till '95.

Q You have lived there permanently since '95? A Yes, sir.

Q How much of the time before '95 have you spent in Kansas? A Very little of the time.

Q How much of it? A I spent several months there attending school.

Q Where? A Several places, in Arkansas City, Kansas, I have gone to school.

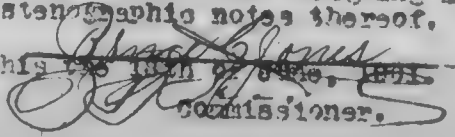
Q How long did you stay there? A Some seven or eight months.

Nelson Ross - 3.

- Q Where else did you go? A Iola, Kansas.
Q How long? A Several months.
Q About how long? A I can't tell you, I went several terms.
Q Your mother was living there at the time? A No sir, she wasn't.
Q And your father died? A No, sir.
Q Your father died in Kansas? A Yes, sir.
Q Where? A Fort Scott.
Q Where else did you go to school? A I went to school some at Parsons, Kansas.
Q Now you are willing to testify here, outside of the times that you went to school in Kansas, that you never lived there? A Why I lived there of course while I was going to school.
Q I say outside of that? A Yes, I am willing to testify it, I am testifying it.
Q You located up on Big Creek in 1895? A About that, yes, sir.
Q Where did you go from? A I went from Vinita over to Big Creek.
Q How long did you live in Vinita? A I don't know, I had been there a great deal, I had no home to live in before I went on Big Creek.
Q Who did you live with at Vinita? A I stayed right in the city there with Eliza Lynch, some calls her, a cousin of mine, Moss Hardrick's daughter.
Q How long did you stay with her? A I stayed with her several months.
Q What were you doing over there? A I was doing what I could get to do.
Q Working for anybody? A Yes, I worked there some.
Q Who for? A Several people.
Q Name some of them? A Old man Hunt for one.
Q How Hunt? A The implement man, and several people there, worked for Cal Fields, Calvin Ross his name is.
Q Were you ever married? A Yes, sir, I am married now.
Q Where did you marry? A Married on Big Creek.
Q Who did you marry? A Maggie Waite.
Q When did you marry? A In 1897.
Q Where you ever married before? A No, sir.
Commissioner: Has your wife been listed for enrollment? A Yes, sir, she is already enrolled.

Commissioner: Nelson Ross applies for the enrollment of himself. From an examination of the 1880 authenticated roll and the census roll of 1896, his name cannot be found, but he is duly identified upon the Fern-Clifton roll. He avers that he is the son of Nancy Ross, who has been listed for enrollment on doubtful card No. 631, and reference is made to the testimony taken in said case, which will be made part of the record in the case at bar, and a copy thereof will be filed herewith. Now the said Nelson Ross will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 25th day of June, 1891.

Commissioner.

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No. D. 411

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 1901

Given under my hand this _____
day of _____ A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
_____ day of _____, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to _____

_____ on the _____ day of _____ A. D. 1901

Subscribed and sworn to before me
this _____ day of _____ A. D. 1901.

Notary Public.

R
Proof of service made
and original 17 1901 with the
DAVES COMMISSION.
SEP 24 1901

NOTICE!

IN THE MATTER OF the application of William Ross
for enrollment as a Cherokee citizen:

Case No. D. C. 127

To William Ross

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct 7, 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L B Bell
Stump

Attorneys for the Cherokee Nation.

F. D.

632

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this
day of A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190....

Subscribed and sworn to before me
this

Notary Public.

Reg. Oct 1st 1901

~~NOTARY PUBLIC~~
Original filed with the
DAVES COMMISSION
1061-5 100
OCT 5 1901

NOTICE!

IN THE MATTER OF the application of Nelson Ross
for enrollment as Cherokee Freedmen:

Case No. F. D. 632

To Nelson Ross, Wimer, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.
Indian Territory, on Oct. 7th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 23 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Nation,

and being only

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A Since '55.

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now I wouldn't be positive whether he died, I think though he died in Iola, I wouldn't be positive as to that.

Q Well, did you ever hear of these people leaving there for any length of time? A No, I never did, I don't know of them ever moving away.

Q Did you see them frequently? A Why very often.

Q Did you ever know one that they called Nelson? A No.

Q Never knew Nelson? A Didn't know him.

Q You know one they called Dick? A Yes.

Q Did Kizzie marry, the daughter? A Yes.

Q Who did she marry? A She married a colored man by the name of Newman, Taylor Newman.

Q Do you know what became of her? A I do not.

Q When did you remember of seeing her last? A Well sir, I can't tell you, I see Taylor very often.

Q That her husband? A That is her husband, but I haven't seen him for sometime.

Q You know where Taylor is? A He is in Iola.

Q Living there? A Yes, sir, living there.

Q That is Taylor Newman? A Taylor Newman.

Mr. Mellette: How old are you, Mr. Morris? A 56.

Q You say that the woman, Nancy Ross, whom you knew and whom you have been telling about, or Nancy Grubbs, lived in Iola last winter?

A Yes, sir.

Q That was the winter of 1900 and 1901? A Yes.

Q Where did she live? A She lived in the southwest part of town.

Q Kept house? A Yes, sir.

Q Have a family there? A Yes, sir, her children was there with her.

Q How many children? A Two I think and then there was one boarding there, George was boarding at home.

Q Well, how old a man is George? A He must be well into thirty years old, maybe older, I don't know just exactly.

Q Then you don't know anything about any of the rest of them except George, do you? And Nancy? A No, I don't; well, Harry, I know Harry lives there in Iola.

Q Do you know that the Nancy Ross who has made application here for enrollment as a Cherokee Freedman is the Nancy Grubbs whom you have been talking about? A No, sir, I don't, I never knew her by the name of Nancy Ross.

Q Now where was Nancy Grubbs, when you have been talking about, in 1866? A In 1866, well she was in Iola as far as I know.

Q Well I am not talking about as far as you know? A I can't swear positively whether she was there or not, if she ever moved away I don't know about it.

Q You don't know whether she was there in 1866 or not? A I can't swear positively she was there, no, sir.

Q There was she in 1867? A That I can't say, for it has been years back.

Q Where was she in 1868? A Well she lived there in Iola or in the vicinity.

Q Well are you certain of that? A If they ever moved away I never knew it.

Q Well that don't answer my question? A Well I wouldn't swear positive.

Q Then you are not swearing where this woman Nancy Grubbs was in either of the years I have mentioned, '66 or '7 or '8? A I can't swear positively.

Q Where was she in 1870? A Well, I suppose she was in Iola.

Q Well do you know, can you swear that you saw her there? A I can't swear, I seen her there.

Q When? A Numbers of times, from the time I became acquainted up to the present time if they ever moved away I never knew it.

Q I am asking you where she was in 1870? A I can't tell you, I

wouldn't swear positively.

Q You will not swear whether she was there in 1870? A I say if she ever moved away I never knew of it, she has always been a resident of Iola as far as I know, and I saw them often.

Q Where do you live? A I live northwest of Iola about three miles, and part of the time I lived in Iola.

Q Were you a particular acquaintance of Nancy Grubbs, you have been talking about? A Why I have been very well acquainted with her for sometime.

Q Did you watch her movements closely? A No, sir, I didn't.

Q I will ask you if it is not a fact that she has lived away from there as much as five years at the time? A No, sir.

Q You are positive of that? A Positive of that.

Q Has she lived away from there as much as one year at the time? A I can't say if she has, if she ever has I don't know it.

Q But you can't say she hasn't? A I wouldn't swear point blank that she hasn't.

Q You don't know whether or not she came down into the Cherokee Nation on Russell Creek in 1868, do you? A I can't swear positive.

Q Do you know of her living upon Vinegar Creek up close to Coffeyville in the Cherokee Nation? A No, sir.

Q Do you know whether she did or not? A I don't know, I don't know anything about Vinegar Creek.

Q I will ask you if she lived there? A I don't know; I answered the question that way, I don't know.

Q You say you don't know Nelson Grubbs? A No, sir.

Q You don't know whether he has lived in the Cherokee Nation all his life or not? A Don't know him, I don't know any of them by that name.

Q Now you don't know this man, do you (indicating Nelson Grubbs)? A I can't see him.

Q He is right by the window and you ought to look at him; do you know him? A Well he looks like the Grubbs to me.

Q Well do you know him, do you know who he is? A Is it George?

Q Now you are positive? A Well he is in a little better shape, if he is George, than I have ever seen him.

Q You don't know whether the man sitting here is George Grubbs or not? A It is a pretty hard matter for me to place this fellow here.

Q I am asking you if ~~this~~ this fellow is George Grubbs? A I believe it is.

Q This man sitting here is George Grubbs? A I believe it is, it resembles him.

Q If it I would tell you it was Nelson Grubbs what would you say? A He must be a brother of George then.

Q You never saw that man in Kansas then? A Don't believe I ever did.

Q This man is Nelson Grubbs, and you will swear you never saw him in Iola Kansas, that you know of? A I don't think that I ever did, I never saw him that I know of, I can't tell him, it is a Grubbs though.

Q The only child of Nancy Grubbs then whom you know is George Grubbs? A George and Harry and Dick.

Q Where is Harry? A He is in Iola.

Q How old is he? A He must be probably 25 or more.

Q When did you see him in Iola? A I seen him there Saturday last.

Q What is he doing there? A He is in a livery barn.

Q For wages? A I suppose so.

Q Is he a single man? A No, sir.

Q Has a family? A Yes, sir, he has a wife, I don't know whether he has any children or not.

Q Well, where is George? A George, I saw him I think it was last Thursday.

Q Where did you see him? A In Iola.

Q What was he doing there? A Working.

Q What was he doing? A He was helping move a house.

Q How far is it from here to Iola, Kansas? A I don't know the exact distance, it is about 95 miles I suppose, something in the neighborhood.

Q Was he living there or just working there temporarily? A Why I don't know whether he lives in Iola or Humboldt, he lived in Humboldt last winter he told me, and I can't say whether he lives in Iola or Humboldt, he was working in Iola.

Mr. Hastings: Is Humboldt in Kansas? A Yes, sir, Allen County, Kansas.

Q Now Mr. Morris, as I understand you, you got acquainted with or learned to know these people about '63? A Yes, sir.

Q You saw them there last winter and some you saw the last few days ago? A Yes.

Q Between those two dates now have they lived there so far as you know? A So far as I know.

Q You never missed them? A Never missed them.

Mr. Mellette: Did you take it upon yourself to watch these people? A No, sir, oh no.

Q They might have been gone a year at a time without you knowing it? A I don't think they would, they possible might have been, I didn't watch for anybody very close, it is not my business, my business is attending to my own business, but as I say, if they were away from there I never knew it; well I have known of her going to the Nation a time or two but not to move here, I don't know of her moving here, she has made a few trips, her and George both, I don't know that Harry has ever made a trip.

J. E. THORP, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A J. E. Thorp.

Q What is your age, Mr. Thorp? A 64.

Q Where do you live? A Iola.

Q Kansas? A Kansas, yes, sir.

Q How long have you lived in and about Iola, Kansas? A 44 years and a little upwards.

Q What is your occupation? A I have been a barber for the last 35 years, 32 years.

Q Do you know a colored woman by the name of Nance Ross, or Nancy Grubbs? A So called, yes, sir.

Q Where did you know her? A Immediately west of Iola, across the river, in the first place, a little way from Iola.

Q About how far did she live from town when you first knew her? A Two miles, two and a half, sir.

Q Well, about when did you learn to know her? A I think it was about '67, it was a year or more after I got home from service.

Q Where was she living? A West of the river a couple of miles from town.

Q How long did she continue to live at this place? A I can't say as to that, a year or two or three, I kept no count of it.

Q Where did she go from there? A Her family moved from there into town.

Q Well, did you know them after they came to town? A Yes, sir, that was the same as I knew other colored families, I knew of them.

Q Did you know the father and husband's name? A Mose I think.

Q You knew him? A Oh yes.

Q Did you know any other members of the family, the first names? A I knew of their father's, but I didn't know but very few of their names, really I couldn't keep track enough of them, on their names, I knew several of the oldest ones, there are probably several of the younger ones that I didn't know, I knew their names, it is Grubbs, there is a family resemblance.

Q How long did you know them, up to what time did you know this

Nancy Ross or Grubbs? A Oh I have known her more or less all these years.

Q You know where she is now? A Well no I don't, my idea was that she was there at her home I guess, but I heard she is here in town now.

Q Then did you last know of her being up there at her home? A Well as I said in the lower court this morning, I have no absolute knowledge of her being at home since her family was quarantined last winter.

Q Well you know of her then being there as late as last winter?

A Yes.

Q Now have you known of them ever since you have learned to know them a year or two after the war, up to last winter?

Mr. Mellette: It strikes me that is about as leading a question as it can be; I object to that question upon the ground of being leading.

Commission: The objection will be noted; let him answer the question.

A Practically so, sir.

Q How far did you live from them last winter, your residence?

A Last winter, I think about seven blocks, about that.

Q Did you know Ned Foreman? A I did know him in the years gone.

Q How long has it been since you have seen him? A I can't tell you, I don't remember much of having seen Foreman very much since he married, he lives out east of town some six or eight or ten miles, maybe eight or ten or fifteen years ago, maybe longer.

Q Did you ever know Kizzie, a girl? A I knew of her, knew her by sight.

Q Did you know her husband? A I don't remember whether I did or not, no I didn't.

Q Did you know George Ross or George Grubbs? A Well now I can't state that except from what I heard in the preliminary examination when we referred to her having married Newman.

Q You don't know about that? A I probably know of it at the time, but it has escaped my memory; the probabilities are I did know of it at the time.

Q Well through these years did you ever know of this family moving away from there? A No, I have no knowledge of their ever moving away, not to my knowledge; they might have been gone at times for a couple or two or three months or perhaps a greater period of time, but I wasn't aware of it at all.

Q Could it have been possible for this woman and her family to have lived here ever since '66 in the Cherokee Nation? A Well scarcely.

Q If she swears that she moved here in '66 and lived here ever since, she is mistaken? A Well I rather think so; that would be my idea of it; profoundly mistaken.

Mr. Mellette: Where is that preliminary court you talk about?

A In the room below here.

Q What makes you call it a court? A I don't know whether it was a court or not.

Q Didn't they tell you that that is just the attorneys for the Cherokee Nation? A I don't know, perhaps they did.

Q Why did you come down here? A I was subpoenaed.

Q What kind of subpoena was served on you? A The same as the balance I presume.

Q Now what kind of subpoena was served on you, who signed that subpoena? A I think it was Mr. Keys.

Q Don't you know that subpoena isn't legal? A I don't know anything about it.

Q Do you people up there think that subpoena is binding on you folks to come down here? A That is the impression we got.

Q Why do you have that idea?

Mr. Hastings: That is the use of going into that; I

am going to object to that.

Mr. Mellette: I simply want to know what kind of subpoena is being served on these people, whether they are coming of their own accord and voluntarily to appear as witnesses in these cases or whether they are coming in obedience to a legal subpoena, and if the subpoena served on them is a legal one, and if not, I want to know who signs it, by what process they are brought here, if they are voluntarily appearing as witnesses, it is a question that goes to their credibility; if otherwise, why they are entitled to know it. I simply want to know how this man is being brought here, upon what kind of a subpoena.

Mr. Hastings: If the commission pleases, it is enough for the attorney for the applicant to know that a subpoena was regularly issued and that this man was brought here; he was brought here at our instance, we subpoenaed him, he is here to give testimony on behalf of the Cherokee Nation. Now what would it avail him, what business is it of his to go into the question of the legality or illegality of the subpoena issued by the Cherokee Nation? That is a legal question that this commission don't know anything about nor would it be of any benefit to them in this case to investigate it; it is simply a side question. For the gentleman's information, I might say the Cherokee Nation passed a law authorizing the employment of attorneys before this commission, and that same law authorizes the issuance of these subpoenas by the attorneys for the Cherokee Nation, and these subpoenas were issued by the Cherokee Nation in obedience to that law, and there were served by people qualified to serve them upon these outside witnesses. It don't affect whether Nancy Grubbs came back here after the war, or whether she continued to reside here after that time.

Commissioner Breckinridge: I have no occasion to go into the question of the sufficiency of these subpoenas when served in the State of Kansas. If the witnesses themselves choose to raise the question and refuse to come, it would then arise before a court of competent jurisdiction. There has been a law passed by the Cherokee Nation and approved by the President of the United States providing for all these processes, and so long as these witnesses are here, the only point in which I am concerned would be the weight of their testimony. Even if they come without any subpoena, it is a question of the value of their testimony. A great many of the witnesses have come without any subpoena; they are selected from the crowd at the time. If the service of a subpoena is necessary for the proper accounting of the business to enable the Cherokee Nation to pay their mileage and per diem, I don't see any objection to it. I overrule any objection that seeks to exclude evidence upon ground of that character, and that evidence will be received, and as for going into the technical question of the subpoena, I see no occasion for that. I want to proceed upon the merits of the case and the value of the testimony. If you want to impeach the witness as to his integrity and character, why take steps to that effect; otherwise I consider the question as of no probable bearing or force. Counsel can put in the record any objection that he likes, but the case will proceed and the matter will be considered by the full commission when opportunity is offered.

Mr. Mellette: Now Mr. Tharp, where was Nancy Grubbs in 1886? A I think she was west of the river at that time living up there on a place they had rented.

Well, do you know where she was, can you swear where she was? I don't remember, I wouldn't say for certain that I was at their house in '86, but I think it was about in '87.

Well, are you willing to swear that you were at her house in '87?

A Oh I think I might, yes, sir.

Q Now if she swore that in 1867 she was in this country and went from Russell Creek up to Vinegar Creek, she is mistaken, is she?

A I think so, probably.

Q Now, you swear positively she is mistaken? A I think she was mistaken, I wouldn't say positively, but I think so just the same.

Q When did you get back from the army you spoke of? A I got home Christmas after, '65.

Q You said you saw her a year or two after you got back? A Yes, sir.

Q Well, was it one year or two? A I can't say as to that; I was hauling some wood for some man, over to a neighbor living just west of them, and I frequently went clear around by their house in order to avoid crossing two bad places.

Q But you can't say whether it was one or two years after you came back after the war, nor do you know where she was in 1867?

A I was passing there and saw the old lady; I think on one occasion I saw her husband planting potatoes.

Q I am not talking about the old gentleman? A Well I saw the members of the family there and while not being absolutely close enough, still I had plenty good eyes those days, that is my recollection, that I thought I recognized the old lady, I might have been mistaken but it is scarcely possible.

Q Was that two years after you came back after the war? A I don't think it was, inside of two years, no, sir, about two years, it was in the spring time I was hauling this wood from Mr. Elmer Reagan's farm, H. L. Reagan.

Q Did you know a child of Nancy Grubbs named Martha? A I don't think I did.

Q Do you know whether the Nancy Grubbs you have been talking about is the Nancy Grubbs who has applied here, or the Nancy Ross who has applied here for enrollment as a Cherokee Freedman? A I can't say, just as I said in the lower room, whether a court or not, but I don't recollect ever having heard her called Nancy Ross at all.

Q But you don't know that the applicant here is the woman you have been talking about? A No, I know Mrs. Grubbs of course; whether she is the woman Ross or not now I don't know.

Q And whether she is the applicant or not you don't know? A Why if her name is Grubbs I presume it is the applicant.

Q Well, was there ever more than one Grubbs in the State of States?

A There was no more that lived there to my knowledge.

Q I saw, do you swear that the Nancy Ross who has applied here for enrollment is the Nancy Grubbs you have been talking about; do you?

A I think that it is all one and the same person.

Q Do you know who has applied here as Nancy Ross for enrollment?

A I don't know, I have been informed.

Q I am not talking about what you have been ~~was~~ informed; do you know who has applied here as Nancy Ross? A No, I do not.

Q Then do you know whether the Nancy Ross who has applied here as the Nancy Grubbs you are talking about? A I can't say it only in the way of a presumption, I took it granted of course in the way of a presumption it is the same.

Q Do you know Harry Grubbs? A Oh I have known of him I think.

Q Where was he born? A I can't say as to that.

Q Was he born in the Cherokee Nation? A I can't tell you.

Q You don't know whether he was born in the Cherokee Nation or not?

A No, sir.

Q Well, if he was born in the Cherokee Nation, Nancy Grubbs was here at the time, wasn't she? A Probably was; probably was, without no must have been born at pretty long range.

Q Where did Mary Grubbs die? A Well sir, I think he died in Iowa. You swear that? A No, I don't, because I don't absolutely know outside of hearsay, that is how.

Q Now didn't he die in Port Scott? A I can't tell you sir.

Q Did you keep your eye on Nancy Grubbs all the time to know whether she came down here to the Territory? A For several years

I passed her door, some 12 or 14 years, on the way to my home, passed three or four times a day.

Q Was she at home all the time? A She might have been, I can't say as to that, I know I saw her frequently though; I might not have seen her for a ~~month or two~~ week or two weeks, but I wasn't aware by hearsay or otherwise of her being absent from there.

Q Well, you didn't make inquiry, did you, as to whether she was absent or not? A No, no.

Q She might have been absent and you not hear about it? A Possibly, she might have been absent ~~in~~ very frequently that I don't know of, possibly, for short periods, I think two or three or four days; I knew her and three or four boys, and I have some slight knowledge of a girl or two, I don't remember how many.

Q There was George born? A I can't tell you where any of them was born, I can't tell you whether they were born in the Cherokee Nation or Vinegar Creek or anywhere.

Mr. Hastings: I believe you stated that you passed their door three or four times a day for 12 or 14 years? A On my way from home to my shop, unless the weather was too extremely hot or stormy, I passed the door in going to my work and to my meals and back home again at night.

Q And during that time you never missed this woman? A Oh she was probably absent sometimes for a few days that I don't know anything of it, I know nothing of her being away.

M. G. ROBINSON, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A M. G. Robinson.

Q Where do you live? A At Iola, Kansas.

Q How long has Iola been your home? A Since the spring of '70.

Q Did you know a colored woman up there by the name of Nancy Grubbs or Nancy Roas? A Well, she was generally known as Nancy Grubbs.

Q I saw you know her? A Yes, sir.

Q About when did you learn to know her? A I don't know just how soon, it wasn't so very long after I came there, I can't say now just how long.

Q Now how long have you known her since, up to what time? A What I mean in a general way, knew their family in town, it has been my understanding they were there or some of the family all the time, or most of the time, well all the time; what I mean is some of the family.

Q Did you know her husband? A Yes, sir.

Q What was his name? A Mose, that is, he always went by the name of Moses Grubbs.

Q Well, did you know any of their children? A Yes, sir.

Q What was some of their names? A Well, there was one that was called, sometimes Ned Foreman, and some called him Ned Grubbs, and then there was George Grubbs and Kizzie Grubbs and Dick Grubbs, that was among the older children.

Q Do you know this one here (indicating Nelson Grubbs)? A This one here I believe yes, I am not sure whether it is George or Dick, one that they called Dick Grubbs.

Q Was there one they called Dick? A Yes, sir.

Q Do you know any other name for Dick? A No, that was the general name he went by.

Q Do you know where Dick went to school? A Yes, sir, he went to school there at Iola; that is the same, he went to school there, he graduated there at the High School, that is my remembrance.

Q Did you know one they called Nelson, or did they have one by that name? A I don't remember one by that name, being called that.

Q You live in town? A Yes, sir.

Q What is your occupation? A Wagon maker, I run the whole thing, but then wagon making is my trade, wood work rather.

Q Where did these people live when you first knew them? A They were living west of the river on a farm there.

Q About how far from Iola? A Well it is somewhere, that is to go out where they lived, it would have been along about close to two miles, a mile and a half or two miles.

Q They lived there when you first learned to know them? A Yes, sir.

Q How long did they live over there before they moved to town? A I can't tell you, they lived there, it must have been they lived there in town, well from fifteen to twenty years anyhow.

Q In town? A In town; of course I had nothing to particularly call my attention to the time they came in.

Q Did you see them there as you saw other people? A Oh yes, the same as I would other people, that is all.

Q Did they ever work for you, any of the family? A One of the girls worked for us some, but I don't remember now which one it was.

Q Did you know one they called Harry? A I don't remember him, not by that name.

Q Did you know one by the name of Kizzie, a girl? A Yes, sir.

Q Know whether she is married or not? A Yes, sir, I think she is, that is my understanding.

Q Do you know her husband? A Yes, sir, Newman I believe, that is my remembrance now, that she married Newman.

Q You know where Newman lives? A I think he is living there in Iola.

Q You have never missed her? A I haven't missed her, no, sir.

Q Well, when was the last time you saw any of this family up there?

A Well it is hard to tell now, it seems to me that it has been a good while; last winter they had the smallpox there; I wasn't down there, but then that was the talk, they had it, that was the report.

Q Were they living in town then? A Yes, sir, same place they have been living ever since they have been there in town.

Mr. Mellette: Well, where was this woman whom you call Nancy Grubbs in 1875? A Well my remembrance is that she was there; that is, out on the farm, out west of town, that is, they were living on the farm there.

Q Do you know whether she wasn't down in the Cherokee Nation at that time? A No, sir, I don't; that is, not at that time.

Q Isn't it a fact that two of the children have always lived up there, Harry and Arthur of these applying for citizenship in the Nation, and that the other people come up there to visit them sometimes? A That I don't know, that is, about the living there, that is, I don't know that they have been away, I don't know that they have been away; my understanding is that they have been there.

Q I am not talking about your understanding? A Why I say I don't know that they haven't been away some.

Q You made the remark a while ago, that some of the family were there all the time? A Yes, sir.

Q Now what did you mean by that? A Well that the family, that is, that where they were living that the family was there.

Q Own any property? A Owned that farm.

Q All the family? A The Grubbs, that is, Nancy, and my understanding is, rather that that was her home.

Q You don't know that she was there all the time? A No, sir.

Q The children all lived there too, didn't they? A Well I think so, that is, those that I have mentioned.

Q Well Harry and Arthur? A Well Harry, yes, sir, I think so.

Q But you don't pretend to say that the old lady, Nancy Grubbs, has made that her home all the time? A Not all the time, no, sir.

Q Do you know anything about her living up on Vinegar Creek in the Cherokee Nation? A No, sir, I don't.

Q Do you know anything about her ever coming to the Cherokee Nation? A No, sir, only just of the reports is all.

Q Then you did hear reports? A I have heard that she has been here a few times.

Q And she might have been here when you didn't hear of it? A Yes, sir.

Q You moved to that country in 1870? A 1870, yes, sir.

Q And you knew nothing about Nancy Grubbs or her family before that time? A No, sir.

Q How long have you lived there, before you became acquainted with her? A I don't think it was a great while afterwards, I had just been there, just done some work for Mr. Grubbs, but I can't tell you now just how long, or how soon it was, it wasn't a great while after I went there.

Q One year or two years? A I am satisfied it was inside of two years.

H. P. GRAY, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A H. P. Gray.

Q What is your postoffice address? A Iola, Kansas.

Q How long has that been your postoffice, or home? A 23 years last December.

Q You know Nancy Grubbs, or Nancy Ross? A Yes, sir.

Q How long have you known her? A Well, I have known her for 23 years maybe now, I got acquainted with the Grubbs family right after I got there.

Q Where were they living when you got acquainted with them? A They were living in a little cabin a mile and a half west and a mile north of Iola.

Q Did they afterwards move to town? A Yes, sir.

Q Did you know them after they moved there? A Yes, sir, they lived on the same street that I did, about six blocks south.

Q Now how long have they lived there? A Well, it is right close to 20 years, I wouldn't like to say because I didn't make any note of it.

Q Well, your best judgment as to the time? A My best judgment is it is eighteen years last spring since they moved in there.

Q You know where they moved from when they moved to town? A Yes, sir, they moved from that cabin.

Q Did you Nancy Ross' or Nancy Grubbs' husband, what his name was? A Mose Grubbs, yes, that is the fellow that I supposed was the husband.

Q Did you know any of the children? A Yes, sir.

Q Name some of them? A Well the oldest one was Lou I think that is the oldest one, and the next was Kiz, I may be mistaken now, I don't swear I know exactly, but Kiz and Dick - oh confound it I forget the other names, I would know it if I would hear it, but I don't recollect the names, they were the oldest; well George was older than Dick, George was next to Kiz according to my best judgment; he is about 28 years old I should think.

Q George married? A He has been once or twice, I don't know whether he has got a wife now or not.

Q Do you know where he lives? A No, I do not; I saw him this summer but I don't know where he lives.

Q Where did you see him? A He was there at Iola a few days.

Q Where is Ned Foreman? A Ned Foreman, he is down in this way or some other Nation, I forget, down here.

Q Do you know how long he has been away from up there? A About some three or four years ago last fall when he left there.

Q Where is this old woman, Nancy? A She lives there in town, I think, when she is at home, she is away some, she was down here about a year or two or three years ago, down in this country somewhere, close to this town.

Q Did you hear of the strip payment about that time? A Yes, she came about that time, her and all the balance of them up there, pretty near all.

Q Well I believe you said you got acquainted with them about '78? A Yes.

Q Have you known her since that time? A Yes, sir, I have always known her ever since that.

Q I believe you said they moved to town about

Q I believe you said they moved to town about 18 years ago, to the best of your judgment? A I think that is about it.

Q You know whether Kizzie is married or not? A I do not.

Q Do you know whether they had the smallpox in their family last winter or not? A I think they did, I was told them had by the Marshal, that is the man that told me, I didn't go down to see, for I had no use for the small pox.

Q Mr. Gray, do you know this one (indicating Nelson Ross.)? A Yes, I do now, he looks like Uncle Mose.

Q Looks like his father, does he? A Yes, it has been a long time since I have seen him to know him, I wouldn't have known him to meet him out on the streets, wouldn't have known him.

Q What did they call him up there? A I can't tell you now, but there is half of the fellows there, especially among the colored fellows had some kind of a nick name that nobody else don't know who they were except by that name.

Q But you just recognize him as a Grubbs? A Yes, sir.

Mr. Mellette: Well, who is this man sitting here (Nelson Ross.)? A He is one of the Grubbs family.

Q You swear that? A Well, I have always been told he was, and he used to live with them.

Q Well he hasn't been up in that country for a good many years, has he? A Oh I don't know, it hasn't been a great many years since he was there.

Q Did he go to school there? A Yes, sir.

Q How far is it from Iola to the Cherokee? A Well sir, I can't tell you.

Q About how far? A Why I should think it is right close to ninety miles, I may be away yonder mistaken because I never was over the road except I came down here the other night and I came all the time in the night.

Q Isn't it a fact it is about 80 miles? A Well it ought to be farther than that.

Q Well how long does it take to come from Iola to the Cherokee Nation? A It took me from eight o'clock in the morning till 5:15 the next morning to come here, but the biggest part of it was lying over waiting for trains.

Q How far is from here to where you live? A I don't know, I can't say anything about the distance, I never was over the road, I can't say.

Q What railroad do you live on? A I live on the Santa Fe and Missouri Pacific, they cross there at Iola.

Q How far do you live from Coffeyville? A I don't know.

Q About how far? A I can't tell you for I never was over that country and never paid no attention to it.

Q You don't live over fifty miles from Coffeyville? A Why I would think so.

Q Well, where did Nancy Grubbs live in 1875? A I can't tell you.

Q Where did Nancy Grubbs live in 1885? A She lived in town, I think.

Q Do you know that she lived there? A Well.

Q Do you know whether she was there at all during the year 1885? A In that country, yes, sir.

Q You swear she was there during that year? A Yes, sir.

Q Did you see her? A There never has been a month I didn't know, that I didn't see her, only when she was down here about three years ago.

Q Well, we will confine ourselves to the year 1885 please, did you see her in 1885? A Well I don't know, I can't tell you, but they didn't live on their farm then, out in the country then.

Q Well, will you swear that you saw Nancy Grubbs at Iola in 1885? A I wouldn't answer that question, for I don't recollect.

Q Did you see her in 1885? A Oh I don't know what year I have seen her in, I never missed her from there, I don't recollect about the years.

Q Would you be likely to miss her if she would go away from home?
A Well I would suppose so.

Q Why? A Because I saw her frequently and she washed a great deal, or used to.

Q Well, is there any reason why you should keep track of her?

A Nothing only that she is an old settler there and I got acquainted with them when I first came to the country.

Q Do you pretend to say that Nancy Grubbs couldn't have been away from that town for six months without you knowing it? A No, I would not say that, most anybody could have been away from that town and me not know it, not know anything about it, but the family hasn't been away from there.

Q What do you mean by the family? A Why the children generally.

Q Well now name the children that you mean by saying the family?

A Well, Lou I guess, Lou has been away from the last several years, she died, she was Gravens' wife, she was Wash Ross' wife in the first place when I first knew her.

Q Now we are talking about Nancy Grubbs and not her family and I want to know whether you can swear that she hasn't been there all the time since you knew her, or not? A Well she has a great deal, the biggest part of the time, but I wouldn't say she hasn't been there all the time, I recollect once that she was at Fort Scott some little time but I don't recollect how long that was, the majority of the years since I have been there I run a meat market, I used to deal with the Grubbs when they had any meat to buy of me, and they usually bought meat right along, more or less.

Q Isn't it a fact that Nancy Grubbs hasn't kept house for twenty or thirty years? A No, it is not.

Q That the older children who lived in Iola kept the house there, Harry and Arthur? A Well they might have kept the house a great deal of the time, but Nancy Grubbs has been there.

Q You don't say she ever kept that as her house, she kept the house, run the house? A Why yes, I suppose so, she lived there.

Q Well, didn't she live there with her older children, Arthur and Harry? A Well now that is a question, whether she lived with them or them with her, I don't know how that was, but they all lived there.

Mr. Hastings: Now you have known them since '78 I believe? A Yes, sir.

Q Now how often, or about how often, have you seen them since that time? A Why I used to see them of course there near every week day, she nearly always came to town when she lived out in the country and washed every day, old Uncle Mose used to fetch her to town frequently and when he didn't she came afoot, and back home; she has washed for my folks lots of times.

Q Well, how frequently did you see her after she came to town? A Oh pretty near every big occasion, especially any sort of a social, she would always help the woman, everybody called her Aunt Nancy, she was known by that and nothing else.

Q Did you ever miss her for any considerable length of time? A No, I never missed her away from there any great length of time.

Mr. Mellette: Could she have been away from there without you missing her? A Oh she might, yes, sir, I don't suppose she was gone; she was a very popular colored woman among the women folks.

Commissioner: This testimony in this case will be made part of the record on Freedmen D-632, D-1020, D-1023, D-1009, D-318.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 12th of October, 1901.

Bruce C. Jones
Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Nelson Ross, D 622;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Roses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings.

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission; and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. B. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) F. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

F. G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, I. T., May 31, 1902

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman.

Applicant appears by Melliste & Smith, Cherokee Nation, by
W. W. Hastings.

For Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Heast Thibault, Trustee for the Freedmen, vs The Cherokee Nation,
No. 12202 filed in the Marius Hayden case F. D. 190, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Marius Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Marius Hayden, & c.

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he resided within the line specified
in the Treaty of 1866, nor that he had been a continuous resident
of the Cherokee Nation since that time, or that he is a descendant
of such a person. Second: Because the same is immaterial, irrele-
vant and incompetent, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

The motion of the attorney for the applicant will be
entertained and the decree of the Court of Claims filed in the case
of Marius Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provision of the temporary injunction recently granted
by Judge Hall of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further avers that as to the above named
cases involving the Marius Hayden case that counsel for the appli-
cant be allowed without cost to file any of the paper of any
or all of the record cases and the decree already referred to.

in the case of James Whitaker, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

F. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1898, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) R. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me:

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

R. G. Reuter
Notary Public.

Cher Fr D 633

Cher Fr D 633

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHICKLENA, I.T., JUNE 10th, 1901.

In the matter of the application of John Looney for enrollment as a Cherokee Freedman; said Looney being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name? A John Looney.
Q How old are you? A 31.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A No, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Bason Looney.
Q Is your father alive? Q No, sir.
Q How long has he been dead? A About two years.
Q Give me the name of your mother? A Jane Looney.
Q Is she alive? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon page 173, #4269, John Looney, Cooweescoowee District.

- Q Now, has your mother, Jane, already applied? A Yes, sir.
Q Did you know who it was your mother belonged to before the war? A Eli Wright.
Q How old is your mother, do you know? A About 58 or 59 years old, I guess.
Q Was your father a Cherokee freedman or State man? A Cherokee Freedman.
Q You think he was a Freedman do you? A He says so.
Q Well, he has been dead two years? A Yes, sir.
Q Is there someone here who knows that you are Jane Looney's son? A She is here.

JANE LOONEY, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name? A Jane Looney.
Q How old are you, about 57? A Yes, sir.
Q Did you apply here last Friday, the 7th of June? A Yes, sir.
Q Is this your son? A Yes, sir.
Q Is he the son also of Bason Looney who is dead? A Yes, sir.
Q When were you and Bason married? A In slave time.
Q Did you and he come back from Kansas together after the war? A Yes, sir; never come from Kansas come from Springfield, Missouri.
Q Have you got any grown up children besides this boy? A Yes, sir, they are all grown.
Q Well give me one of two of their names? A Frances Smith.
Q Has she applied yet? A No, sir.
Q Well, give me the name of another child? A Ellen Adams.
Q Has she applied yet? A No, sir.
Q Give me the next child? A Reetta Looney.
Q Has she applied yet? A No, sir.
Q Have you got any more? A Yes, sir, got one, Lucinda Looney.
Q Has she applied yet? A Yes, sir.
Q Is Lucinda married? A Yes, sir.
Q What is the name of her husband? A Jesse Whitmire.
Q Well, her name is Whitmire isn't it? A I don't know; I thought I had to go in under Looney.
Q George and Henry? A Yes, sir.

John Leoney.--2.

COM'R BRECKINRIDGE:--The applicant states that he has lived in the Cherokee Nation all his life. He is identified as the son of Basen Leoney, deceased, and of Jane Looney now living, the latter having applied on June 7th and her case being Cherokee Freedman D. #697. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card. He is identified on the Horn-Clifton roll; he states that he has lived in the Cherokee Nation all his life and for further information in his case there will be filed herewith a copy of the testimony in the case of his mother above cited. The final decision of the Commission will be made known to him at his post office address.

--0000000000--

J. O. Ressen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Ressen

Subscribed and sworn to before me this 21st day of June, 1901.

[Signature]

Commissioner.

F. D.

633

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this.....
day of A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190....

Subscribed and sworn to before me
this

Notary Public.

**Proof of service made
and original filed with the
DAVES COMMISSION.**

FEB 12 1902

Cher Fr D 634

Cher Fr D 634

File with Adeline Hardman, C.F. D-634.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Carrie West for enrollment of herself and eleven children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows

- Q What is your name? A Carrie West.
- Q How old are you? A I don't know; my ma said I was 10 years old when the war stopped.
- Q About how old are you according to your best knowledge? A I guess I am about 40 some odd.
- Q What is your post-office address? A Muldrow.
- Q What district do you live in? A Sequoyah.
- Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
- Q Have you ever been ~~examined~~ recognized by the Cherokee authorities as a Cherokee Freedman? A No sir.
- Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir, on the Clifton and Verna Roll.
- Q Who do you want to enroll besides yourself? A 13.
- Q Living? A Yes sir, two of them I guess is old enough to enroll themselves, and the others is small.
- Q Give me the name of the oldest one under 21? A His name is Henry West.
- Q How old is Henry? A He is 17.
- Q What is the next one named? A Callis.
- Q How old is Callis? A 16.
- Q Next? A Cornelius.
- Q How old is Cornelius? A 15.
- Q What is the next one's name? A Charlie.
- Q Charlie or Charles? A Charlie.
- Q How old is Charlie? A 14.
- Q What is the name of the next one? A Carrie.
- Q How old is Carrie? A 12.
- Q Next one? A Ella.
- Q How old is Ella? A 11.
- Q Next one? A Watie.
- Q How old is Watie? A 9.
- Q Next one? A Walter.
- Q How old is Walter? A 7.
- Q Next one? A Sadie.
- Q How old is Sadie? A 6.
- Q Next one? A Martha? A
- Q How old is Martha? A She is 4.
- Q Next one? A Vinita.
- Q How old is Vinita? A One year old.
- Q Next one? A That's all.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Callis.
- Q Is he a citizen? A Yes sir.
- Q You apply for his enrollment? A No sir, he will enroll himself.
- Q Were you a born slave? A Yes sir.
- Q Who did you belong to? A Bob Knight.
- Q Is he living? A Yes sir, he lives here in Vinita.
- Q Were you taken out of the Cherokee nation during the war? A Yes sir.
- Q Where to? A Choctaw Nation.
- Q Got no further south than the Choctaw Nation? A No sir.
- Q When did you come back? A In '66, that's what mother said, I was small.
- Q You have been living here ever since in the Cherokee nation? A Yes sir, we come here in '66, and staid here a year, and then went back to the Choctaw Nation and staid 5 years, and then come back and we have been here ever since.
- Q Where did you marry? A In the Choctaw Nation.

Q Was your husband a Choctaw? A He claimed it. I don't know what he was, but that is what he claimed.

Q Have you ever been married more than once? A Yes sir.

Q What was your first husband's name? A Charlie Thomas.

Q Is he living? A I guess he is.

Q Who was the father of Henry West? A Callus West.

Q The children are all named West? A Yes, sir, they are all my last husband's children.

Q Where did you marry Callus West? A In Sequoyah district.

Q You have been living there ever since? A Yes sir, I have been living there 21 years.

Examined by Cherokee Representative, L.B. Bell:

Q Who brought you back from the south? A My mother.

Q Anybody else along? A Yes sir, all my sisters.

Q Any of these Knights along? A No sir; they come ahead of us I guess.

Q Where did you come to when you first came back? A We come to Webbers Falls.

Q How long did you stay there at the Falls? A We staid four weeks at the Webbers Falls, and then we come on to Gibson, out on Fourville Branch, - we staid a year there.

Q What time of the year did you return, in '66? A In the spring, it was along in the spring I reckon, of course I was quite a small child when we come back with mother, but the trees and the grass was coming up and we saw people planting corn and I suppose it was in the spring; I was about 11 years old.

Q Were there any other persons along besides your family? A No sir, nobody but just mother and her children.

Q She had no husband? A Yes sir, she had a husband, but he didn't come with her, he come after that.

Q Where did you start from? A We started from about, Thompson Salt Lick was about three miles from Boggy Depot, and we lived at Thompson's Salt Lick.

Q What is your mother's name? A Martha Knight, before she married Thompson.

Q She married a man named Thompson.

Q Was that Thompson a Cherokee Freedman? A No sir, he was a Choctaw.

Q She married out there? A Yes sir.

Q When did she leave the Cherokee Nation? A Before the war I guess; I was small, I couldn't tell nothing about when she left; ma said I was just five years old when I went south.

Q You don't recollect whether you were living in the Cherokee Nation when the war began or not? A No sir, no more than what she said and what Mr. Knight said; he was the man that carried us away from the Cherokee Nation.

Q When did you marry in the Choctaw Nation? A I grew up and married there in the time of that six years we were back there.

Q When did you marry? A I don't know sir, what year it was, it was in the fall, I don't know what year.

Q How long after you went back? A Oh it was a long time, you know, for I was just a girl when I went back.

Q It was five or six years? A Yes sir. Ma said we staid there six years after we left here and went back.

Q I want to see what you know about it? A I don't know what year it was.

Q You staid there five or six years before you married? A Yes sir.

Q Well, how long after you married was it before you started back?

A I came back the same year I married.

Q Where did you come to? A Tahlequah.

Q Did your Choctaw man come with you? A No sir, he come after that; he was arrested; he couldn't come.

Q Who came with you the second time you came from the Choctaw Nation, after you were married? A I come back with mother; she carried us south and brought us back when she come in '66, and brought us back, and then when she come back again after she staid

there six years we all come back with her.

Q The second time you came back then there was nobody along but your mother and her children? A No sir.

Q You came back the second time just like the first? A Yes sir.

Q She married when she went back the second time to the Choctaw Nation.

Q When did you marry this second husband? A Yes sir.

Q 21 years ago? A Yes sir, about going on 21 years, but he and him was married about 20 years ago.

Q Who was your mother? A Martha Thompson; used to be Martha Knight.

Q Used to belong to? A Bob Knight.

Q Do you recollect going out of here? A No sir.

Q Don't recollect anything about it? A No sir, that is too far back, I can't recollect nothing about that.

Examined by Commissioner Needles:

Q Your mother's name was Martha Thompson? A Yes sir.

Q Who belonged to Bob Knight? A Yes sir.

Q Have you got property in the Cherokee Nation? A Yes sir.

Q Farm? A Yes sir.

Examined by Cherokee Representative, L.B. Bell:

Q Was Kate Coody your aunt? A No sir, she was my sister.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified the reon as follows:

page 171 #4219 Carrie West, Cooweescoowee District;

page 110 #2756, Henry West, Illinois District;

page 110 #2757 Callus West, Illinois District.

Q That is Callus, Jr.? A Yes sir.

page 110 #2758 Cornelius West, Illinois District;

page 110 #2761 Charles West, Illinois District;

page 110 #2769 Carrie West, Illinois District;

page 110 #2760 Ella West, Illinois District;

page 110 #2762 Waite West, Illinois District;

Q Did you draw for Walter? A No sir, they didn't find his name but Sadie ought to be on there.

Kerns-Clifton pay roll of citizens of the Cherokee Nation
page 178 #4370 Sadie West, (District not given) "Daughter of Callus West."

Examined by Cherokee Representative, L.B. Bell:

Q When the war closed who were you living with? A With Bob Knight.

Q Where did he live? A He lives on Horse Creek, that's where he lived before the war.

Q When the war closed? A That was in the Choctaw Nation.

Q You were living with them up until you were set free?

A Yes sir, in the Choctaw Nation.

Q Did he come back here ahead of you? A Yes sir, he says he came back here ahead of us; I can't tell you nothing about when we come here.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's master and identified on

page 276 #1451 Robert D. Knight, Delaware Dist, native Cher.

CHARLIE CHAMBERS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charlie Chambers.

Q How old are you? A About 70.

Q What is your post-office? A Hudson.

Q You are a recognized Freedman citizen of the Cherokee Nation?

A Yes sir.

Q Do you know Carrie West, the applicant here? A Yes sir.

Q How long have you known her? A Ever since she was just a girl.

Q Was she a slave? A Yes sir.

Q Who did she belong to? A She was owned by one of the Knights.

Q You know whether she went out of the Cherokee Nation during the war? A Yes sir.

Q Where did she go? A To the Choctaw Nation.

Q Never went south of there? A No sir.

Q When did she return? A In '66.

Q Who did she come with? A With her mother and all the balance of the family.

Q In '66? A Yes sir.

Q Has she been living in the Cherokee Nation always since that time? A They staid here awhile and then they went back.

Examined by Cherokee Representative, L.B. Bell:

Q What is your name? A Charlie Chambers.

Q Where did you know this girl? A Another place. I knowed her down south, down in the Choctaw Nation.

Q You never knew her before the war? A No sir.

JAMES ALBERTY, being sworn and examined by Commissioner Needles, testified as follows:

Q Your name is James Alberty? A Yes sir.

Q And you are how old? A About 70 years old.

Q What is your post-office? A Chouteau.

Q You know Carrie West, the applicant? A Yes sir.

Q How long have you known her? A I have known her when she was small.

Q Was she a slave when you knew her? A Yes sir.

Q Who did she belong to? A The Knight family.

Q You know whether she went out of the Cherokee Nation during the war? A Yes sir.

Q Where did she go? A Went to the Choctaw Nation.

Q You know when she returned to the Cherokee Nation? A Yes sir.

Q When? A In '66.

Q How do you know she returned in '66? A I saw her.

Q Where did you see her? A At Gibson.

Q You know how long she lived in the Cherokee Nation at that time? A No sir.

Q You don't know whether she went back to the Choctaw Nation or not? A No sir.

Q You just know she was a slave of nob Knight and you saw her in '66? A Yes sir.

Examined by Cherokee Representative, L.B. Bell:

Q Where did you first get acquainted with this woman? A At Knight's, at nob Knight's.

Q Where did nob live? A On Horse Creek.

Q Up here? A Yes sir.

Q When was that? A That was before the war.

Q Some several years? A I don't know how long.

Q It was before the war? A Yes sir.

Q How many years? A I can't tell how many years.

Q Three or four years? A It may have been that long; it may have been longer.

Q You were there at her house? A I have been past there least of times.

Q Whereabouts did they live on Horse Creek? A Well I don't know; it's on Horse Creek; I never was from the head to the mouth of it; I can't tell whereabouts; I have passed there lots of times.

Q You have been along there a good many times? A Yes sir, but I don't know how far.

Q Which side of Horse Creek was it on? A Well now you have gone thirty years back, I can't recollect.

Q You recollect what sort of a house they lived in? A No sir, just knowed it was Knight live'd there.

Q You can't recollect which side of the Creek it was on, although you passed there several times? A Yes sir, I have passed there several times.

Q You know where Rabbit Creek is? A Yes sir, I guess I do, I don't know which way that is from here.

Q That road did you travel when you went to see the Knights? A Old military road.

Q How far was it across to the Rabbit Creek on that road?

A I don't know, past there though. I know Horse Creek is above there.
 Q How far is Horse Creek from Fly Creek? A I can't just tell that.
 Q You don't know anything about Fly Creek? A Yes, I have been along there lots of times; I used to drive cattle along there.
 Q You crossed the Neosho river when you drove cattle up that road?
 A No sir, I never crossed any river.
 Q You don't know then how far it is from Horse Creek to Neosho River on that road? A No sir.
 Q Where were you driving your cattle to? A Back in re to Pryor Creek. Driving them home; John had cattle that run there.
 Q When was that- John- you mean John Albany when you say John?
 A Yes sir.
 Q When was that you drove John Albany's cattle from up the re down to Pryor creek? I reckon that's where he lived? A That's where he lived; it was before the war; that's all I can tell you; I can't tell you no year, because I don't know.
 Q You said you went a hundred times, I guess it was several years before the war? A No, it wasn't; I went every day after his cattle; drive a bunch home and go back and get more.
 Q How far was that from John Albany's? A I don't know, 10 or 12 miles or further.
 Q Make the trip easy enough in a day? A Yes sir, I could go up there and bring cattle back, sometimes he after night getting in.

Com'r Needles: Carrie West applied for the enrollment of herself and eleven children; she sworn that she is the wife of Callie West, and that she was a slave of Bob Knight, and Bob Knight is identified on the authenticated roll of 1880 as a Cherokee citizen; she applied for Henry, Callie, Jr., Cornelius, Charles, Carrie, Ella, Fattie, Walter, Willie, Martha and Vinita West; their names are not found upon the authenticated roll of 1880; but they are all duly identified upon the Ferns-Clifton roll with the exception of Walter and Martha and Vinita, whose names do not appear upon said roll; by reason of the fact that the name of said Carrie West does not appear upon the authenticated roll of 1880 and the further fact that the Cherokee Nation contest her enrollment, and that of her children, said Carrie West and her children enumerated here in will be listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card, for the further consideration of the commission; when the commission arrives at a conclusion as to her case she will be notified by mail; it will be necessary for her to file satisfactory proof with the commission of the birth of her children Walter, Martha and Vinita, their names not being on any roll.

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this May 18, 1901.

(Signed) T.B. Needles,

Commissioner.

SUPPLEMENTAL; D-336, Freedmen.

Department of the Interior,
 Commission to the Five Civilized Tribes,
 Vinita, I. T., May 23, 1901.

In the matter of the application of Carrie West et al. for enrollment as Cherokee Freedmen.

R.D.Knight, being sworn and examined by Commissioner Breckinridge, testified as follows:

Appearances:

Applicant, Carrie West.

James Davenport, Cherokee Representative.

Q Give me your name? A R.D.Knight.
Q How old are you? A 54.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A Well I guess you might call it 54 years.
Q All your life? A Yes sir.
Q You are here to give certain testimony in the case of Carrie West and others are you? A I suppose so.

Examined by Cherokee Representative James Davenport:

Q Mr. Knight, do you know the applicant, Carrie West? A Well, I suppose I do; I haven't seen her for over thirty years until a day or two ago.

Q Did you know her mother? A Yes sir.

Q What was her name? A Martha.

Q To whom did she belong, if anyone, at the breaking out of the war of the confederacy? A Well, I couldn't say whether we owned her then or not.

Q Did you leave the Cherokee nation during the war? A Yes sir.

Q Where did you go? A Went to Texas, or to the Choctaw nation.

Q You know whether this applicant or her mother went? A Yes sir, she went there to the Choctaw nation.

Q To Texas and the Choctaw Nation? A Not to Texas; we didn't go to Texas; we called it going to Texas, but it was in the Choctaw nation, right on the line.

Q When did you return to the Cherokee nation after the war, to live? A My impression is in '67.

Q Where was the applicant and her mother at that time, when you came back, did they come before you did? A No, we left them in the Choctaw nation.

Q Then your recollection is you didn't come back until '67?

A That's my recollection of it, yes.

Examined by applicant, Carrie West:

Q I thought you said you came here in '66; that's my understanding, when I saw you seventeen years ago? A I don't remember seeing her seventeen years ago.

Q I saw you and traded in your store seventeen years ago, when I come up here to see mother, right here in town.

Q What sort of a store was it?

Q It was a dry goods and grocery store, right over on the other side of the railroad track, and here the other day you told me you came here in '66. Of course I don't know the year, and you know that yourself; there was no white folks educated the negroes to know dates or nothing at all about it, and my mother wasn't able to educate me, and she always said she come here in '66; said she come next year after she was turned loose.

Witness, R.D.Knight, examined by Com'r Breckinridge:

Q Mr. Knight, did you come at all in '66? A I did; I passed through this country in '66; come away from here through this country in '66.

Q Did you come back in '67? A No sir.

Q Where were you going in '66 when you first came to the Cherokee Nation? A Passed through here with a herd of cattle on my way to Lawrence, Kansas.

Q There was this woman, Carrie West, at that time? A I couldn't say where she was.

Q I want to know of course what you knew, not simply supposition?

A I don't know where she was but more than I see in a way, the supposition is she was at Sugar Creek, in the Choctaw Nation, in '66.

Q That's simply supposition? A Yes sir.

Q Did you ever hear of Carrie West? A Yes sir.

Q When did you see her at Boggy Depot? A In '66.
 Q Do you recognize this woman as being that woman you saw in '66? A I don't recognize her, for as I said awhile ago this is the first time I have seen her for thirty years; I knew I saw such a woman and that time in '66, but I don't know that this is the same woman; I suppose it is.
 Q Was the person to whom you referred known as Carrie West at that time, in '66? A No sir.
 Q What was her name at that time? A She belonged to my father, at the close of the war; I suppose she took the name of Thompson, or at least her mother did.
 Q Do you remember the name of her mother? A Well, she married a man there that belonged to old man Alice Thompson, his name was Sid Thompson; I suppose that her mother of course assumed his name.
 Q Now what was her mother's given name? Martha.
 Q Do you know what name this woman Carrie West bore went by at that time, in '66? A No.
 Q You don't remember that? A No, she was just a child at that time; probably 10 or 12 years old.
 Q Did this woman's mother belong to your father? A Yes sir.
 Q Did this woman belong to your father? A Yes sir.
 Q That is to say, if this be the woman that you have in mind?
 A Yes sir.

Carrie West, being called and having been before sworn, being examined by Commissioner Breckinridge, testified:

Q Now Carrie West, what was the name of your mother? A Her name was Martha.

Q Did she marry a man named Sid Thompson? A Yes sir.

Q Did you and your father belong to the father of Mr. Knight, the witness? A Yes sir.

Q That's what she always said, that we belonged to the Knight? A Yes sir.

Q That was your understanding, always? A Yes sir.

Q This witness' father? A Yes sir.

Q Do you remember this witness, R.D. Knight? A Yes sir.

Q Do you remember him back in '66, when you were quite a girl?
 A Yes, sir, I recollects him.

Witness, R.D. KNIGHT, re-called and further examined;
 By Commissioner Breckinridge:

Q Now, Mr. Knight, when you finished that trip with cattle in '66 when did you return to the Choctaw Nation? A I think I left Lawrence, Kansas about the first day of August, right along about that time.

Q And go immediately down to the Choctaw Nation? A Yes sir.

Q And when did you leave the Choctaw Nation to come again to the Cherokee Nation? A Moved home, my recollection is, in '67.

Q What time in '67? A Probably in August I expect, September, somewhere along there; late in the summer.

Q You suppose it was about a year after you closed up your cattle deal? A Well, yes, somewhere in the neighborhood of that.

Q Well, where was this woman, Carrie, and her mother, Martha, when you left the Choctaw Nation in '67 to come back to the Cherokee Nation the second time? A I think she was there at this man Thompson's at Boggy Depot in the Choctaw Nation.

Q You think she was? A Yes sir.

Q Do you know she was? A I don't know; that's all a good while ago, and my recollection is we come back to get her and her mother and bring them back home.

Q Why didn't you get them? A Because they wouldn't come.

Q Have you any distinct recollection of applying to them to come? A No sir, I only have my father's word for it; he said he came by to get them.

Q You were not with your father? A Yes, sir, we was all together, quarter of a mile away when he went to the house to see her.

Q You did not see her at that time. A I didn't go to see her.

Q You know she did not come with you and your father? A Yes sir, I know that.

Q Are you distinct in your recollection that the reason she did not come was because she refused to come, or because she had already come? A Well, my recollection, my impression at the time was that she didn't come was because her husband or her stepfather wouldn't come; the man that her mother married, belonged to Thompson and he lived in the Choctaw Nation, and that she staid with Thompson; I don't know whether there was any explanation made as to why.

Q That was the time you and your father came? A Yes sir.

Q And that, you say, was in the summer of '67? A That's my recollection.

Q Well now, that recollection, is it in the nature of positive knowledge or simply an impression? A Well I can't say; it has been a good while ago, and I only know of what I done and the amount of time about that I should spend to do what I did and it would take me until '67 to get around to it, from '66, from the time I left Lawrence, Kansas.

Q Are you sure you did not go to Kansas in '65 with your cattle? A Yes sir, I am positive; I was at Shreveport, Louisiana in '65.

Q And you are sure it was after that you went to Kansas? A It was the next spring; spring of '66 I went to Kansas.

CARRIE WEST, the applicant, re-called, and further examined, by Commissioner Breckinridge:

Q Is there any witness you want to produce here? A Yes sir.

Q Bring up any witness you have got? A She is in town here.

Commissioner Breckinridge: This will be filed as additional testimony in Cherokee Freedmen case D-236, and a note will be made on the card.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this May 29, 1901.

(signed) T. B. Needles,

Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this November 9, 1901.

[Signature]

E

Commissioner

X
file with Cherokee Freedman, D-630

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Katie Blackwell for the enrollment of herself, one son, one niece and a nephew as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Katie (Goody) Blackwell.

Q How old are you? A I don't know my age, somewhere about 55 years old, I guess.

Q What is your postoffice address? A Nowata.

Q What district do you live in? A Cooweescoowee.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.

Q Is your name on the roll of 1880? A No sir.

Q Is your name on any of the Cherokee rolls? A On the Wallace and Clifton Roll.

Q Who do you want to enroll besides yourself? A I got six children

Q Give me the names of your children? A Henry Chambers.

Q How old is he? A About 26.

Commissioner: He must apply for himself.

Q Have you any under age? A I have two under age.

Q What are their names? A Gertie Tinnon.

Q How old is she? A About 16.

Q What is your other child's name? A Thomas Ross.

Q How old is Thomas Ross? A About 18.

Q Are you married? A Yes, sir.

Q What is your name? A Katie Goody.

Q What is your husband's name? A I got my papers here. My first husband's dead, Lucius Blunt.

Q You were married at one time to Lucius Blunt? A Yes sir.

Q Is he living? A No sir.

Q Was that your first husband? A Yes sir.

Q Who was your second husband? A John Blackwell.

Q Is he living? A Yes sir.

Q Did you separate from him? A No sir, I am living with him now.

Q How does your name happen to be Goody? A I married a Goody; I married Lewis Goody, some called him Lewis Blunt, but his name is Lewis Goody.

Q Have you been married twice? A Yes sir, I have been married three times.

Q Who was your first husband? A Thompson.

Q He is not living? A No sir.

Q Your second husband was Blackwell? A My husband now is Blackwell.

Q Is your name Blackwell now in place of Goody? A Yes sir, Blackwell.

Q You first married Blunt? A Yes sir.

Q He is dead? A Yes sir.

Q Who did you marry next? A Blackwell.

Q Your second husband was named Thompson, wasn't it? A Yes sir.

Q Is he living? A Yes sir.

Q Did you get a divorce from him? A No sir.

Applicant presents a certificate of marriage certifying that she married one John Blackwell according to the laws of the United States on the 6th day of February, 1898.

Q What did you marry Blackwell for before you got a divorce from Thompson? A I don't know, Mr. Thompson was divorced, I guess; he married again.

Q Is Gertie Tinnon your child? A That is my niece.

Q Have you any children of your own? A No sir, none but a boy.

Q What is his name? A Thomas Ross.

Q Is he your child? A Yes sir.

Q You are the mother of Thomas Ross, are you? A Yes sir.

Q How about this Gertie Tinnon, you say she is your niece?

A Yes sir.

Q What is her mother's name? A Dicey Tinnon.

Q Is she living? A No sir, she is dead.

Q What relation is Dicey Tinnon to you? A My sister.

Q Were you a slave during the war? A Yes sir.

Q Who did you belong to? A Mary and Tom Sanders.

Q Were they citizens? A Yes sir.

Q Were you taken out of the Cherokee Nation during the war?

A Yes sir.

Q Where to? A Choctaw Nation.

Q You were not taken any farther South than in the Choctaw Nation?

A No sir.

Q When did you come back? A I come back in '86; I come to Gibson.

Q You came to the Cherokee Nation in '86? A Yes sir.

Q You have lived in the Cherokee Nation ever since '86? A Yes sir.

Q Never went back to the Choctaw Nation? A I went back to the Choctaw Nation and come again.

Q When did you go back to the Choctaw Nation? A I went back after '86, come to Webbers Falls in '88.

Q When did you come back from the Choctaw Nation the second time?

A Come back - I forget.

Q How long did you live down in the Choctaw Nation after we went back? A I lived there six years after I first come here.

Q And then come back here? A Yes sir.

Q Did you marry down there? A Yes sir.

Q Did you marry a Choctaw? A Yes sir, married a Choctaw.

Q What was his name? A Albert Thompson.

Q Albert Thompson was a Choctaw then? A Yes sir.

Q Have you ever applied to be enrolled by the Choctaws? A No sir.

Q Have you got any children by Thompson? A Yes sir.

Q They are grown, are they? A Yes sir.

Q Where was Thomas Ross born? A Over here on Panther Creek.

Q Where was Gertie Tinnon born? A On Panther Creek.

Q Both in the Cherokee Nation? A Yes sir.

Q Your sister Dicey is dead? A Yes sir.

Q Did she belong to the same persons that you did? A She belonged to the same persons I did.

Q Did she go out with you to the Choctaw Nation? A Yes sir.

Q Did she come back with you? A Yes sir.

Q But she lived in the Choctaw Nation until she died? A No sir, she died here.

Q Did she come back to the Cherokee Nation with you? A Yes sir.

Q And she lived in the Cherokee Nation then until she died?

A Yes sir.

Q Have you got any proof, any witnesses? A Yes sir.

Q Who are they? A Charles Chambers and Jim Alberty.

The 1880 authenticated roll and the 1886 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicant and her deceased daughter are not found thereon.

The Kerns Clifton Roll examined and the name of the applicant is found on page 162, No. 4013, Katie Goady, Coowasee District.

Q Did you draw money for Gertie and Tom? A Yes sir, the last payment.

The Kerns Clifton Roll examined and the name of Gertie Tinnon is found on page 171, No. 4214, in Coowasee District.

Q What is the name of the child, you have another you want to any roll? A Lennie Tinnon.

Q How old is Lennie Tinnon? A About 12 years old.

The Kerns Clifton Roll examined for Lennie Tinnon and his

name is found on page 171, No. 4213, in Cooweescoowee District.
 Q Where does Lunnie live? A He lives in Sequoyah District with my sister. My sister is dead and my brother-in-law has got him, Mr. Johnson Vann.

Q Wont he enroll him? A No sir, he aint been here to enroll him. The Ketch Clifton Roll examined and the name of the applicant's son is found on page 171, No. 4207, Tom Ross, Cooweescoowee District.

Q You had a husband named Ross? A No sir, I had a child named Rose L. B. Bell. You say Lunnie lives in Sequoyah? A Yes sir, where John on Vann lives.

Q What authority have you got to put him on? A I thought I would put him on; my sister is dead. My sister died down here at Brushy.

Q Are you guardian for him - we don't want two put on? (No answer).

Q Where was this child born at? A Born right over on Panther Creek they were all born over there.

Q How long has his mother been dead? A I reckon she has been dead about five years if I aint mistaken.

Q Is she on the roll of 1880? A No sir.

Q Are you on the roll of 1880? A No sir.

Q When was this Lunnie born? A I don't know exactly.

Q Where was it? A Over here on Panther Creek, right across south of Lightning Creek.

Q In Cooweescoowee District? A Yes sir. My sister died after the Wallace payment.

Q You married in the Choctaw Nation after you went back in 1866?

A Yes sir.

Q How long did you stay here after you came here in '66? A About one year.

Q You are certain that you didn't live there about six years? A I went back and stayed about six years.

Q Where did you land at in the Cherokee Nation when you came back?

A I came to Webbers Falls and when I last returned I come to Webbers Falls and then to Gibson.

Q The first time you came to Webbers Falls? A Yes sir, and then to Gibson.

Q Did you stop at Webbers Falls any length of time? A No sir.

Q Oh say you came to Gibson, did you stop there any length of time? A When I come, I come to Webbers Falls; I come from Webbers Falls to Gibson, and then I went to the Choctaw Nation.

Q After you came back from the Choctaw Nation? A I came to Gibson and then up to Tahlequah.

Q How long did you stay at Tahlequah? A I stayed at Tahlequah about six or seven years.

Q Who did you live by there? A There was a lot of folks there.

Q Name some one that aint dead? A Miss Barnes.

Q Aint she dead? A I don't know.

Q Name a live one? A I don't know; Packs was here and Thompson.

Q These Packs were there then? A Yes sir.

Q Did you live right in Tahlequah? A I went up on Henry Nave's place and from there to Susanna Ross' place.

Q You stayed at Henry Nave's place the first time after you came back from the Choctaw Nation? A Yes sir.

Q These Packs knew you? A Yes sir.

Q You came directly to Gibson from the Choctaw Nation and on to Tahlequah? A Yes sir, when I first come inside of the limits.

Q Leave that out, and go to where you started from the Choctaw Nation the second time? A I came through to Webbers Falls and stayed one year at Gibson.

Q You said you came to Webbers Falls, stayed a year, come to Gibson and stayed a year and then went back to the Choctaw Nation? A I did I mixed it up. I said I come to Webbers Falls and from Webbers Falls to Gibson and stayed there one year, and then went back to

the Choctaw Nation.

Q Begin now, you stayed in the Choctaw Nation six years, and then you started back here - where did you come to on the second trip?

A I came to Gibson and from Gibson to Tahlequah.

Q You came through Gibson and went on to Tahlequah? A Yes sir.

Q Then you stopped and stayed on Henry Hays's place one year?

A Yes, sir, one year.

CHARLEY CHAMBERS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charley Chambers.

Q How old are you? A Seventy years old.

Q What is your postoffice? A Hudson.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Is your name on the roll of 1880? A Yes sir.

Q Do you know the applicant here, Katie Blackwell? A Yes sir.

Q How long have you known her? A I have been knowing her ever since the war commenced.

Q Was she a slave? A Yes sir.

Q Who did she belong to? A She belonged to James Sanders.

Q Do you know whether she was taken out of the Cherokee Nation during the war? A She wasn't taken out that I know of; yes, she was out of the nation.

Q Where did she go to? A To the Choctaw Nation.

Q Do you know when she came back to the Cherokee Nation? A She came back, the first I saw of her along in '88.

Q You saw her in '88? A Yes sir.

Q Where? A I saw her at Gibson the first time.

Q Have you seen her occasionally since that time? A I seen her then again at Tahlequah.

Q After that? A Yes sir.

Q Where did you see her after that? A I never seen her no more after that. I never seen her anymore until she come back again.

Q She went to the Choctaw Nation? A She went back to the Choctaw Nation and I never seen her until she come back again.

Q How long, five or six years? A Yes sir, as much as five or six years.

Q Have you seen her occasionally since that time? A Yes sir.

Q She has lived in the Cherokee Nation since that time? A Yes sir.

Q Do you know her children? A I know them when I see them; I just can't name them all.

Q Do you know Bertie Tinnon? A I know her, yes, sir, when I see her.

Q Do you know the boy, Lunnis? A Yes, sir.

Q Is he living? A Yes, sir, he was living with her when I first knew him.

Q You don't know whether he is alive to-day or not? A No sir, I don't.

L. B. Ball What time in the year 1888, did you see this applicant?

A It was along in the spring when I seen her.

Q That is along in April or May? A Somewhere along there; I couldn't tell you the month, anyhow the grass and leaves were out.

Q What were you doing in Gibson then? A I was riding around.

Q Just riding around? A Riding around, sir.

L. B. Ball of Applicant. Who brought you back to Webbers Falls?

A I come back by self, me and my mother.

Q Nobody in your crowd? A No sir.

Q Where did you start from when you started back to Webbers Falls?

A I started back home.

Q Where did you start from? A From the Choctaw Nation.

Q The Choctaw Nation is a good big place? A From Salt Creek.

Q Old Dave Thompson's Salt Creek? A Yes sir.

Q Close to Beggs Depot? A Yes sir.

Q. What time of the year did you start from there in 1866?
 A. Why it was along in the spring.
 Q. The grass was up, was it? A. Yes sir.
 Q. How did you come? A. Come by wagon.
 Q. About how long was you on the road? A. Well, I don't know, sir, how long we were on the road.
 Q. A month, I guess it was one hundred miles or two? A. I guess it was, I don't know how far it is from here to the Choctaw Nation.
 Q. I mean from Thompson's Salt Creek down to Webbers Falls? A. I don't know how far.
 Q. Were you as much as three weeks on the way? A. Yes, and maybe four.
 Q. How long did you stop at Webbers Falls? A. We didn't stop very long at Webbers Falls.
 Q. A week or two? A. About one week or two.
 Q. And then you came to Gibson? A. Yes sir, came right on through.
 Commissioner of Applicant: Your first husband's name was Thompson?
 A. Yes sir.
 Q. Your second husband was Blunt? A. Yes sir.
 Q. Your third husband was Blackwell? A. Yes sir.
 Q. What was your father's name? A. His name was, as good as I can recollect, his name was John Fox.
 Q. Do you know what your mother's new name? A. Martha Downing.
 Q. Who did you say you belonged to? A. Mary Sanders and Tom Sanders.
 L. B. Bell: Are they both dead? A. My master is dead. I don't know whether Mary is dead or not.

JIM ALBERTY, being sworn and examined by Commissioner L. B. Needles, testified as follows:
 Q. What is your name? A. Jim Alberty.
 Q. How old are you? A. 70 years old.
 Q. What is your postoffice? A. Choctaw.
 Q. Are you a Freedman? A. Yes sir.
 Q. Your name is not on the roll of 1860, is it? A. No sir.
 Q. Do you know the applicant here, Katie Goody or Katie Blackwell?
 A. Katie Goody, yes sir.
 Q. Was she a slave before the war? A. Yes sir.
 Q. Who did she belong to? A. To the Sanders.
 Q. Do you know whether she was taken out of the Cherokee Nation or not during the war? A. Yes sir.
 Q. Where to? A. She went South.
 Q. To the Choctaw Nation? A. Yes sir.
 Q. Do you know when she returned? A. Yes sir.
 Q. When? A. In '66.
 Q. How do you know that? A. I saw her at Gibson in '66.
 Q. Do you know how long she stayed in the Cherokee Nation at that time? A. No sir.
 Q. You don't know whether she went back to the Choctaw Nation or not? A. No sir.
 Q. But you saw her in '66 in the Cherokee Nation? A. Yes sir.
 Q. Did you know her then? A. Yes sir.
 L. B. Bell: What time in the fall of '66 did you see her? A. It was kind of warm weather. I don't know exactly what time.
 Q. Was it summer or spring? A. I think it was summer. It was warm.
 Q. Were you living then at Gibson? A. No sir, I never lived at Gibson; never was there but three days at a time in my life.
 Q. You just happened to be there that day? A. Yes sir, I used to go there pretty often.
 Q. Did you see her there pretty frequently for the next two or three years? A. No sir.
 Q. Did you see her anywhere? A. No sir.
 Q. You saw her at that time? A. Yes sir.
 Q. Where did Sanders live when she belonged to? A. They lived alone to Flint at that time, I reckon it is.
 Commissioner Needles: Is Flint District you mean, do you?
 A. Yes, sir, I thought it was Flint.
 L. B. Bell: Were you ever at the house? A. Yes sir, I have been

at the house; that is not right at their house, I met them at a church.

Q Name someone in that neighborhood? A I wasn't acquainted there.

Q You seemed to be, you knew this woman pretty well? A They were raised with me. Sanders' sinit the first people that raised them.

Q They were raised on a place with you? A Not here, but older people.

Q I am asking you what you know about her? A I told you what I know about her.

Q You don't know where she did live, only that she lived in the nation? A That is all, I never was at her house.

Q You never seen her until you met her in '88? A Yes sir, I saw her before.

Q Where did you see her before? A On Peavine Creek near the Peavine place.

Q That was a creek down in DeWitts district, wasn't it?

A I don't know where it was.

Q What did you understand by Peavine? A That is what they called the creek, Peavine.

Q Was you ever down on Peavine? A Yes sir.

Q When? A Before the war, I come from there.

Commissioner Needles: You say Sanders lived in Flint District?

A I don't know exactly, it was down in that way.

Q You are not positive whether it was Flint District or not?

A No sir.

Commissioner of Applicant: You know that these three children, Gertie Tinnon, Lennie Tinnon, and Thomas Ross are alive now are they?

A Yes sir, I brought the little girl with me.

Q Where is your boy? A He is in jail.

Q Who is Lennie living with? A He is living with Johnson Vann.

Ratie Blackwell applies for the enrollment of herself, her sister's children, Gertie Tinnon and Lennie Tinnon, and her child, Thomas Ross. She avers that she was a slave of the Sanders family, Mary and Tom Sanders, and avers that she was taken out of the Cherokee Nation into the Choctaw Nation, and returned in '88. Her name is not found upon the authenticated roll of 1880, nor the census roll of 1890. Her name is found upon the Kerns Clifton Roll, and the names of the three children, Gertie Tinnon, Lennie Tinnon and Thomas Ross, are found upon the Kerns Clifton Roll. She avers that she has been married three times: first, to Thompson, second, to one Blunt or Gaddy, and thirdly, to her present husband, John Blackwell. She is duly identified according to page and number of the roll as indicated in the testimony, and makes satisfactory proof as to residence. By reason of the fact that her name is not found upon the authenticated roll, and of the protest of the Cherokee Nation, she and the children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. When the Commission arrives at a decision in her case, she will be notified of the same by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. G. Rothenbergar.
Subscribed and sworn to before me this 25th day of May, 1901.

Signed, G. H. Brockbridge,
Commissioner.

Specimen: Jones, being duly sworn, says that he is a member of the

COMMISSION TO THE PRESIDENT OF THE UNITED STATES

DELIVERED TO THE PRESIDENT OF THE UNITED STATES

the Commission to the President of the United States, and that the same is a true and correct copy of the original.

Witness my hand and the seal of the Commission, at the City of New York, this 1st day of June, 1864.



Charles B. Smith

1864 JUN 1 11 23 AM

File with C. F. D.

Department of the Interior,
Commission on the Five Civilized Tribes,
Fort Gibson, E. T., September 21, 1901.

In the matter of the application of Katie Blackwell et al
for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee nation.

Appearances:

Vellotto & Smith, attorneys for applicants;
T. F. Hastings, of counsel for Cherokee Nation.

HENRY DEAN, appearing before the commission and being duly
sworn and examined, testified as follows:

Q. What is your name? A. Henry Dean.
Q. What is your age? A. About 33, somewhere along about 50.
Q. Where were you born? A. Born in Missouri, I reckon, I came
from Missouri, I don't know exactly where I was born.
Q. Where did you go during the war? A. Went to Texas.
Q. Were you in Texas at the close of the war? A. Yes, sir.
Q. Where were you for the first two or three years after the war?
A. I was there on the frontier and around about in Texas and there.
Q. Well, about how long after the war was it before you left Texas?
A. Well I reckon it was somewhere along four or five years, about
five years I reckon, somewhere along there, I never kept no count of
the time, I just suppose about that time.
Q. That is your best judgment? A. Yes, sir, might have been longer.
Q. Where did you go to when you first left the state of Texas? A.
When I first left there I went to the Choctaw Nation and then I
went to the Chickasaw Nation.
Q. Do you know Katie Blackwell, or Katie Spady? A. Well, I don't
know them by that name.
Q. Well, did you know Katie Thompson? A. Yes, sir, I know Katie
Thompson.
Q. Did she have a sister? A. Yes, sir.
Q. What was her sister's name? A. She had one named Dicey.
Q. Did you know Katie's mother? A. Yes, sir.
Q. And what was her name? A. Her name was Martha.
Q. Did Martha have any other children besides Katie and Dicey?
A. Yes, sir.
Q. What was their names? A. One boy by the name of Charley Flag-
burne.
Q. You testified in his case the other day? A. Yes, sir, and had
a girl by the name of Peepie.
Q. Well, was this Katie married when you first knew her? A. Yes, sir.
Q. What was her husband's name then? A. Albert Thompson.
Q. What was Albert Thompson, was he a Freedman? A. Yes, sir, Choctaw
Freedman.
Q. Did you ever know of her having any body else as her husband
since that time? A. No, sir, I say know it, I don't know it.
Q. Did you ever know of her going by any other name since that
time? A. Yes, sir, they had another name but then I don't remember
it, I don't know who her husband was, I know she was married up here
about Lightning Creek here somewhere but I forgot her husband's
name.
Q. Was she married to, or was she married at all when you
knew her first? A. Yes, sir, she was married.
Q. What was her husband's name? A. Kogis G. Frell.
Q. Did she have any children when you knew her first? A. Yes, sir.
Q. I think she had children, I am a little short of remembrance about
that, about how many children she had, whether she had one or ten, I
know she had one but I don't know she had the other two when I

first knew her or not, I have forgot.

Q Now when did you know Fattie and Dickey and her mother first?

A Well, we were on a little creek they called Sandy.

Q In what Nation or State? A In the Chickasaw Nation, near Cherokee Town, about eight miles below Cherokee Town on the Washita River close to the Washita river, between Cherokee Town and old Fort Arbuckle. It was about the same distance I reckon from that.

Q About the same distance from Cherokee Town and Fort Arbuckle?

A Yes, sir, just about the same distance between them, it wasn't just on the Arbuckle road.

Q When was it you knew her first, how long had you been over there? A Well, sir, I can't tell you, I had been there though, I think though about four years, but just the time I can't tell you the day or the time.

Q Tell where, about four years? A It was in the Chickasaw Nation.

Q Well when did you leave the Chickasaw Nation? A I left the Chickasaw Nation in about '74 I guess.

Q Where did you go to? A Went to Tahlequah.

Q Who came with you to Tahlequah? A These people.

Q Just go ahead I want to know you to specify them? A

Martha Thompson, that was Sid's wife, and Charley Blagburns.

Q Who was Charley, what relation was he to Martha? A Charley Blagburns was Martha's son.

Q Give all of Martha's children that was along that you can remember? A Well, there was Fattie Thompson and Dickey Sorrell and Terry Thomas and Nan Hallett, and Mary Ann, that was her youngest child.

Q Was Fattie married? A Yes, sir.

Q Who was she married to? A Charley Thomas.

Q Well, where was Charley and his wife living when you first knew her? A They were living there on that Sandy road about half a mile or three quarters from the old lady, from her mother.

Q Did Fattie come up with you? A Yes, sir, I brought her in my wagon, she is the one I hauled up here.

Q How many wagons did you have along in that crowd? A Three.

Q Now all these people you have mentioned you brought up, didn't you?

A I brought up Dickey and Fattie in my wagon.

Q Well, these others that you mention came along in the same crowd?

A Yes, sir, they were all the same.

Q Through what district did you come? A Well now I can't tell you.

Q I mean up in this country, I don't mean below? A Well I came through Fort Gibson.

Q How long did you stop there? A I didn't stop here but a few minutes, just stopped there in town and drove on through.

Q Did they say anything about having been here before? A No sir, never said anything to me about it.

Q Made no mention about it? A No, sir.

Q You went on to Tahlequah? A Yes, sir, I went on out to Mr. Dennis' out here and left the Sorrell family, it was on the Four Mile Branch to Mr. Dennis.

Q Was Fattie married when you first knew her? A Yes, sir.

Q Was Dickey? A Yes, sir.

Q Were they keeping house down there or not; what were they doing?

A Well, when I first knew them they were not keeping house, they were in the house with the old lady, but they did keep house shortly after that.

Q What were they doing for a living down there? A Well, Sorrell was a barbering around and sometimes he would farm around a little.

Q That was Thompson, Fattie's husband? A Well, he was just working around for wages, and making a little patch.

- Q What was Martha's husband, Sidney? A He was farming, had a little place of his own there.
- Q Was Temple married when you first knew her? A Yes, sir.
- Q Did any of these people marry after you became acquainted with them down there? A Charley Blackburn I think married down there.
- Q Do you remember how many children Katie had when she came up with you? A Let's see, I will have to count them up a little and see if I know, there was Jess and Henry and a girl they called, her nick name was Dude, I forget what her right name was, but they called her Dude, and a little boy named Dan, I believe that is all she had.
- Q Well, do you remember whether Dicey had any children, when she came up? A She had one or two, I know she had children, I think two children but it kinder seems to me like one of the children was born here, but I won't be certain about it.
- Q Well did Temple Thomas have any children? A Yes, sir, she had two children.
- Q I mean when you came up here? A Yes, sir, I think she had two when we came up here, a girl died, the one she brought here.
- Q Do you remember their names? A The boy, Will was his name.
- Q Did you mention one of them by the name of Nancy awhile ago, one of Martha's children? A Yes, sir, Man.
- Q Was she married? A Yes, sir, Hallstock.
- Q Did she come with you? A Yes, sir.
- Q Did she have any children? A Yes, sir.
- Q What was their names, do you remember? A I think one of them was named Kat, I have mighty nigh forgot their children's names, Kat and Martha, seems like one was named Martha, I think Martha is dead though, there isn't but one of the girls living that she brought here.
- Q Why do you fix the date of '74, as the date of your coming out with these people? A Well, the reason why that, I was taking the figures in this way, when we come it was the year, we came the fall before the first ten dollars, that bread money was paid out, and that was paid out in '75 that was.
- Q And you came the fall before that payment? And we came the fall before that payment and that is why I have give it about in '74, about the time them additions was put up at the assembly.
- Q How far did these people live apart in the Cherokee Nation?
- A The families.
- Q Yes? A Well they lived, Temple lived about between half a mile and three quarters from their mother.
- Q Was they all in the same neighborhood? A Yes, sir, all right in the same neighborhood.
- Q Did you know Jim Ross down there? A Yes, sir.
- Q Was he there when you first went over? A I don't know, sir whether he was or not.
- Q That other people lived around in that neighborhood, any Chickasaws or freedmen, people living there? A Yes, sir, Zach Gardinet and old Lady Howell, I don't know her name, and she had a son by the name of John Howell, and then she had a son was a doctor, they all called him Doctor Howell, I don't know what his name was only Doctor Howell, and they was about the closest around, the others was Chickasaws, had Chickasaw names, Nelson Chigley and several others, there was another man lives right close there but I don't remember his name I was well acquainted with him too but I have forgot him.
- Q How long about how long did you say you knew these people there before you moved out with them? A About four years.
- Q Well, how old are you? A About 50 I guess.
- Q Are you a freedman citizen of the Cherokee Nation, A No, sir, I am not.
- Q You claim to be? A No, sir.
- Q Where does this woman live now you have been talking about?

Q Which one?

Q Katie Blackwell? A I don't know, sir, she lives somewhere out on the --

Q How long since you have seen her? A I haven't seen her for about eight or ten years I reckon.

Q How long has it been since you came here with her, how many years? A Why I don't know just how many years, that is something I don't keep the date, I came here in about '74.

Q Well now you figure it out how many years you have been here, you say it was '74 when you came here, how many years has it been? A I can't tell you, without I sit down and take me I don't know how long to count it.

Q How do you know it was '74 you came here? A Reason I know it, I am going by the time that that money was paid out, I came the fall before that ten dollars was paid out.

Q How do you know that money was paid out in '74? A Well I am giving the time.

Q How do you know that money was paid out in '74? A Well I don't know it.

Q What year did you go to Texas in? A I don't know that.

Q Where do you live? A I live at Tahlequah.

Q How long have you lived there? A Lived there about something over 26 years or maybe longer, I have lived there ever since I came to the country.

Q Right in Tahlequah? A Right around Tahlequah.

Q Why can't you tell what year you went to Texas? A Why I was a boy, a little fellow, I don't know anything about it, I was carried there by my owners.

Q What year did you go into the Chickasaw Nation from Texas? A I don't know, sir.

Q Can't you give an idea? A No, sir, I can't.

Q How is it then that you remember the year you came to this country and don't remember anything else or any other year? A Well sir, I don't know, I don't remember that only by the time, I got the count of the time that I came here, what was done, and figured it up from that time.

Q Now look back here, you don't know anything about the payment in 1875, you don't remember that any payment took place in '75 do you? A Yes sir I do.

Q Do you remember the year? A I remember the payment.

Q Do you remember it was in '75? A Well I am just going by the time, according to the time I got there.

Q How do you know that any payment took place in 1875 here? A Well they paid ten dollars here.

Q How do you know it was '75? A It was the spring after I came here in the fall.

Q Well what year did you come here? A Well we must have come here in the fall, '74.

Q Why? A Because the money was paid out the next spring.

Q Well what year was that money paid out? A In '75.

Q How do you know? A Just because I know when I came here.

Q How do you know that that money was paid out in '75; answer that question; now answer it straight. A Simply because I was here when it was paid out.

Q Will you answer my question, how do you know it was 1875? A Well sir, I will tell you as best as I can about it, the fact that they put up that barn here, but oh yes, I am going according to the time that there is people that figured up the time.

Q Who figured up the time for you? A Well I don't know as anybody has figured it up for me, only I am going by the year that the people counted that this seminary was put up, in 1875, just the people at large; now that is the way I got it.

Q You are testifying from what the people at large said about the date? A Yes, sir, that is the way it is.

Q Well, do you know that the money you have been talking about

here, Katie, is the woman who has applied here for citizenship?
A If it is Katie Thompson it is.

Q If it is Katie Thompson it is? A Yes, sir, the mother of Henry and Kessie and these other children.

Q Who else was she the mother of? A Duds and I believe that is all.

Q Now give the names of Katie's children, all you know? A Well Jessie and Henry and Duds and Dan, Duds was a sick name I think, I don't know, the child might have had some other name, but that is the mother of them children.

Q Do you know these two women here (indicating Lucinda Blackwell and Ann Williams)? A No, sir.

Q Ever see them? A If I did I don't know it.

Q Don't you know they were children of Katie Blackwell; the applicant here? A No, sir, I don't know it.

Q Did they come from Texas with you when you say you came here with this woman Katie? A I don't know whether they did or not.

Q Well you ought to know it.

Mr. Hastings: You needn't argue the point.
Q I will ask you if they came with you from Texas, with Katie Blackwell, when you say you came with them? A I don't know whether they did or not.

Q Look at them? A Well it has been ten years since I have seen them.

Q You have seen the family of Katie Blackwell within ten years?
A I have seen her, I haven't seen her whole family, her children, more than Henry and Jessie, I have seen them.

Q How old is Henry? A I don't know, sir.

Q How old is Jessie? A I don't know how old he is.

Q Did Katie have a child by the name of James? A No, sir, not as I know of.

Q James Ross? A Not as I know of.

Q You say that Katie Blackwell has a sister by the name of Dicey?
A Yes, sir.

Q What other name did she have besides Dicey? A Dicey Sorrellis.

Q Did they ever call her Dicey Tinnon? A I don't know, she might have got that Tinnon name after she came here.

Q Ask you if she was ever called Dicey Tinnon? A I don't know.

Q You never knew of her being called Dicey Tinnon? A They might have that might have been her name.

Q Did you ever know of her being called Dicey Tinnon? A Yes, sir.

Q What do you mean by testifying that way; didn't you say just now that she might have been called that, that she might have married some man by the name of Tinnon? A Yes, sir, I said that.

Q And now you swear you don't know she was called Dicey Tinnon?
A Why I do.

Q When was she called Dicey Tinnon? A I haven't heard of her being called Dicey Tinnon the last time I was up on Big Creek, that Dicey Tinnon was it.

Q Why didn't you tell Mr. Hastings she was called Dicey Tinnon?
A I didn't know her by that name at that time.

Q You don't know now whether she was ever called Dicey Tinnon?
A I have heard she was.

Q Who told you? A Charley Blackburn, that is her brother.

Q Charley Blackburn? A Yes, sir.

Q You are giving the name right are you? A That is right as far as I know it.

Q You knew this woman by the name of Katie Blackburn? A No, sir, I knew her by the name of Katie Thompson.

Q You don't know how long these people you are talking about had lived down there in the Chickasaw nation? A No, sir, I don't know anything about that.

Q You don't know whether they had been to the Cherokee Nation before that time, do you? A No, sir, I don't know anything about that, whether they had or not, I just got acquainted with them right there.

Commission: This testimony will be made a part of the record in the following Cherokee Freedmen Doubtful cases: D-327, Katie Blackwell; D-333, Lucinda Blackwell; D-334, Ann Williams; D-343, Vinita Martin; D-438, Mattie Madden, D-629, Mattie McNair; D-754, Jesse Roach; D-756, Daniel Thompson; D-757, Henry Chambers.

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HENRY PEAN, recalled by attorney for applicants, testified further as follows:

Mr. Bellette: You say the woman, Katie Thompson, that you are talking about, had a sister named Laura? A No, sir.
Q Well, did she have a daughter by the name of Laura? A No, sir.
Q Didn't you say awhile ago that she had a daughter or a sister by the name of Laura? A No, sir.
Q You are certain you didn't say that? A Yes, sir.
Q Well, where did you see this woman, Katie Thompson, ten years ago, you say you saw her then? A I saw her up on Lightning Creek.
Q That were you doing up on Lightning Creek? A I went up there to a celebration.
Q Were you at her house? A No, sir.
Q Where did you see her? A I seen her there at the celebration.
Q Where was that celebration? A On Lightning Creek.
Q What place on Lightning Creek; Lightning Creek is pretty long? A It was there in the settlement, if I can think of the man's name, along there about Wayden, uncle Moss Whitmires, somewhere along in there.
Q How long did you stay up there? A I didn't stay up there but a few days.
Q That the only time you have been up in that country? A No, I have been up there several times; I said about ten years ago, I was guessing at the time, it might have been a little shorter time or might have been longer.
Q Did Wayden live there at that time? A Yes, sir, he lived out there.
Q What kind of a celebration was that? A The 4th of August.
Q Was it on Lightning Creek? A Yes, sir.
Q How far from Wayden's store? A I don't know just how far it was, I don't know whether he had a store there at that time.
Q Did he or did he not have a store there? A I don't know, sir, I can't tell you.
Q Did he live there? A He lived there.
Q How far was that from his house? A I don't know sir, I don't know where his house is, I was never at his house.
Q Did you see his house? A I never saw his house.
Q Where did you stay when you went up there? A I stayed at Looney Glass' and to Elias Wrights.
Q Where does Looney Glass live? A Lives there right there on Lightning Creek, not far from the celebration ground.
Q Was there any building there where they had the celebration? A No, it was there just in the open woods.
Q No school house? A The school house was a little piece from there, I never went around to it.
Q No church house? A School house or church house, or something of that kind isn't far from there, I didn't pay any attention to such things as that.
Q That the only time you were up there? A No, sir, been right over the celebration ground, but I couldn't locate the grounds by ac

ing over them.

Q How long did you see this woman at that time? A I just seen her that day.

Q Spoke to her? A Yes, sir.

Q Talk to her? A Didn't have very much talk, I just passed and spoke.

Q Just spoke to her as you passed? A I stopped and spoke to her and talked a little but didn't have very much talk, just passed on.

Q You will swear that was the woman you came from Texas with?

A Yes, sir, from Chickasaw Nation.

Q Can't be mistaken about that? A No, sir, can't be mistaken about that.

FRANK PACK, appearing before the commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Frank Pack.

Q What is your age? A 40.

Q You know Henry Bean, the witness that just left the stand?

A Yes, sir.

Q How long have you known him? A Been knowing him ever since '74 or '75, somewhere along there.

Q Where did you get acquainted with him? A Got acquainted with him at Tahlequah.

Q You know when he came to Tahlequah? A It was along about '75 or '74 when I first seen him, that is my recollection.

Q You know when that first payment was made? A I think it was in '75 if I mistake not, somewhere along about there.

Q Do you know Watis Thompson and Dickey Serrells? A Yes, sir.

Q Do you know when she came to Tahlequah? A She came there about the same time Henry Bean did, I seen them all just about the same time; they lived in about three miles and a half of where I lived, and stayed there a while and along in about '75 why my mother died and we moved off and rented the place to some of them, they moved over on our place across the river and made a crop there one year.

Q How far is that from Tahlequah? A That is about six miles east.

Mr. Belletts: Now you say you first saw this man Henry Bean in '74? A '74 or '75, along in there somewhere.

Q How can you remember it was that year? A Because my mother died in '75 and I had seen them a while before she died, I got acquainted with them.

Q How long before your mother died? A I can't say how long.

Q One or two years? A It wasn't that long, I don't think it was hardly a year.

Q What reason had you for remembering when Henry Bean came to this country? A Because I told you my mother died along about '75, and I seen them a little before she died.

Q That didn't have any connection with her death did it? A He was always around where we were, we were neighbors.

Q Why does the death of your mother make you remember when you first saw Henry Bean? A Because they were not very many strange people moved in there then and they moved in close to where we lived and that makes me remember them.

Q Do you remember any other colored man that came in that country about that time? A I expect I would if they would mention some of them.

Q Why do you fix your memory on Henry Bean? A Because he was a stranger and came right in close neighbors to us.

Q Was he any kin to you? A None at all.

Q You were 15 years old at that time? A I guess I was somewhere along about there, I recollect it mighty well though.

Q And you can remember it was '74 or '75? A Yes, sir.

Q When was your recollection first brought to bear upon the question as to when Henry Bean came into your country? A It always has been that way.

Q Do you know John Pease? A Yes, sir.
 Q When did you first see him? A I can't tell exactly, he was quite small when I first saw him.
 Q Where did you first see him? A At Tahlequah.
 Q When? A Along, I can't say exactly, he was a small boy.
 Q Give us an idea when you first saw him? A Well I can't really say, it was way after I seen Henry, I know that, and John was quite a boy.
 Q How Pease, Henry Pease, came to that country when you were about 15 years old and you have remembered that from that time on the year that he came there? A Yes, sir.
 Q Are you employed by the Cherokee nation now? A Yes, sir.
 Q In what capacity? A I am just working with them, working for them, anything they want me to do around about the office I am right there working.
 Q You are connected with the Cherokee officers who have charge of this enrollment, are you not? A I am working for them.
 Q You are kept here as a witness are you? A Not particular I don't guess.
 Q Then what do you do for the Cherokee nation? A Anything they want me to do, clean up the room, bring water, go and get the mail, anything they ask me I go and do it.
 Q And you are willing to swear positively that Henry Pease came about Tahlequah in '76 or '75? A Yes, sir.
 Q You knew that you saw him when he first came? A Yes, sir, I am positive. I know what I am talking about.

L. B. Bell, appearing before the Commission and being duly sworn and examined, testified as follows:

Q How old are you? A 62 years.
 Q What is your post-office? A Tahlequah.
 Q Mr. Bell, what was the date, to your knowledge, of that first payment that was made some eight or ten or twelve years after the war? A Well it was what we call the Great money, the first payment we had, was in '75; some of them call it the \$10.40 payment, and the ten dollar payment.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 26th of September, 1901.

(Signed) C. R. Brockmire,

Commissioner.

M. F. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this December 7th, 1901.

[Signature]

Commissioner.

To be filed in case of Adeline Hardman, et al., CVD-634.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 8th, 1901.

In the matter of the application of Mary Riley for the enrollment of herself and one grandchild daughter named Rosa McNair, as Cherokee Freedmen; she being sworn by Comand oner T.B. Needles, testified as follows:

Mellette & Smith, applicants attorneys
W.W.Hastings, Cherokee representative

Examined by Com'r Needles:

Q What is your name? A Mary Riley.

Q What is your age? A 37.

Q What is your post-office address? A Chelsea.

Q In what District do you live? A Coowessowee.

Q. Do you want to be enrolled as a Cherokee Freedman? A Yes sir.

Q Have you ever applied to be enrolled as a Freedman of any other Nation? A No sir.

Q Who do you want to have enrolled besides yourself? A I have a grand daughter.

What is its name? A Rosa McNair.

Q Who is the father of Rosa McNair? A Alf McNair.

Is he living? A Yes sir.

Q What is its mother's name? A Dora.

Q Is Dora living? A No sir.

How old is Rose? A 4 years old.

Is your name on the roll of 1880? A No sir.

Q Is it on any of the rolls? A The Wallace and Kern rolls.

By W. J. Hastings

Q What was your maiden name? A Mary Foster.

Q What was your mother's name? A Martha Thompson.

By the Commission:

Q Are you married? A Yes sir.

Q What is the name of your husband? A Frank Riley.

Is he a citizen? A Yes and re.

Q Has he been enrolled? A Yes sir, at Vinita.

Q What was is your father's name? A Bob Foster.

Is he living? A. No sir.

Q Give me your mothers name? A Martha Thompson.

The Kern Clifton Bell examined and the name of the applicant found as follows:

page 176, No. 1274, Mary McNair, Brownsville district.

Q Were you ever married to a McHair? A Yes sir that is what Frank went by, he went by his own name, and then changed to Riley, that is his father's name.

Q Did Rosa's father enroll her down at Vinita? A No sir, he didn't

Q You say the father of Rose was Alf McHeir and her mother was Dora? A -- Yes sir.

Q Who was Dora's father? A Andy Rider.

Q Is he living? A Yes sir.

Who was Dora's mother? A I am.

By Mr. Hollister:

Q Do you claim through your father or through your mother? A My

Q What was your father's name at the breaking out of the war?
A I don't know.

Q Was she a slave before the war? A Yes sir that is what she claims.

Q You don't know what name she went by? A It was Knight, I think.

Q Where were you living when you first remember? A The first I remember of is at Tahlequah.

Q Where was that? A On Panther creek.

Q Where is that? A In the Cherokee Nation.

Q Have you lived ever since you can remember, in the Cherokee Nation? A Yes sir.

Q What was your mother's name when you first remember? A Martha Thompson.

Q Do you know where you were born? A On Grand river at the old Ben Landrum place is what my mother told me.

By W.W. Hastings:

Q Did you ever live with Charles Chambers? A No sir.

Q Did you know him at Tahlequah? A No sir, not until I came up here.

Q How long after you come up here? A I don't know.

Q How long did you live at Tahlequah after the war? A I don't know.

Q Who did you live with there? A With my mother.

Q Was she married to your step father then? A Yes sir.

Q What was your step father's name? A Sidney Thompson.

Q Did you reside in the town of Tahlequah? A No sir resided out in the country.

Q What direction from town? A I don't know, I am most too small to recollect.

Q What place did you live on? A Mother said it was an Indian place.

Q Do you know how far it was from town? A No sir.

Q How old were you when you left Tahlequah? A I don't know.

Q How old did your mother teach you you were? A She didn't teach me my age.

Q You don't remember any of the other folks that lived there? A No sir.

Q Don't remember any of your neighbors? A Yes sir.

Q Who? A Leoney Blaine.

Q Did you know Frank Pask? A No sir.

Q Were you old enough to have remembered going to town and seeing the town? A Yes sir.

Q When you were first old enough to remember anything, where were you living? A On Panther creek is where I really first remember much.

Q Who did you come there with? A My mother.

Q And your step father? A Yes sir.

Q What is the town nearest to you on that creek? A Chalaco.

Q How far is it from here? A 4 miles.

Q Is that where you first met Charles Chambers? A Yes sir, time of the court.

Q Is that the first time he ever saw you? A No sir I guess not.

Q Who are your neighbors on Panther creek? A The Martins and Palleys.

Q Charles Chambers is not a neighbor of yours? A No sir.

Q Who did you have as witnesses before the Kern Clifton Commission? A Sheep Kim.

Q Did you apply with your mother? A No sir with my sister, Kate Geedy.

By the Commission:

Q What is your mother's name? A Martha Thompson.

Q Is she dead? A Yes sir.

Q How long has she been dead? A 12 years.

Q She is not an old lady? A No sir.

Q How long has she been dead? A A year last month.

Q Is her name on any roll? A Yes sir.

Q Is it down as Dora McNair? A I think so.
Q What was her name when she died? A Rider.

The Kern Clifton roll examined, applicant's deceased daughter found thereon as follows:
Page 172, No. 4223, Dora Rider, Coosawhatchee district.

By Mellette:

Q Have you a brother named Phil Foster? A Yes sir.
Q Full brother? A No sir, on my father's side. Dora, Jonie and Francis Foster is my sisters on my father's side.
Q Do they live with you? A No sir.
Q Who with? A With their mother I guess, I don't know, I can't say.
Q Are they on the 1880 roll? A I can't tell; I think they told me they was.
Q They didn't live with you during your first recollection? A No sir.
Q Where do they live? A On Coosawhatchee Bend.
Q Who was their mother? A Aunt Ginda I think--no Malissa Foster. I think--I don't know her.
Q Your father was who? A Bob Foster.
Q Did you ever know him? A No sir, I was too young to recollect him.
Q Was he alive at your first recollection? A No sir I never did see him my father.
Q Phil Foster is your half brother--he is your father's son by a different wife than your mother? A Yes sir.

By Mr. Mellette:

"I would like to have the 1880 roll looked over and see if the name of Phil Foster is found thereon."
The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's brother found thereon as follows:
Page 102, No. 1075, Phil Foster, Coosawhatchee District.

By Mr. W. W. Hastings:

"Come now the representatives of the Cherokee Nation and protest against confusing the present record with the taking of the 1880 enrollment of this person because this woman, the applicant, admits in her testimony that she and the said Phil Foster had different mothers, and that the mothers were not together and did not return together, and you might as well take the enrollment of any other name on the 1880 roll as this alleged half brother."

The 1880 and 1886 rolls of the Cherokee Nation examined and the name of the applicant and her grand daughter not found thereon.

CHARLES CHAMBERS, called and sworn as a witness, by Commissioner T. H. Needles, testified as follows for the applicant.

(Examined by T. H. Needles)

Q What is your name? A Charles Chambers.
Q Where do you live? A On Big creek.
Q In what Nation? A The Cherokee Nation.
Q In what district? A Coosawhatchee.
Q How old are you? A About 70.
Q Do you know the applicant, Mary Riley? A Yes sir.
Q Did you know her mother, Martha Thompson? A Yes sir.
Q Do you know if she was a slave? A Yes sir.
Q How did she belong? A I don't know, I can't just exactly say, but I know she was a slave.
Q How do you know she was a slave? A Because she told me she was.
Q Where did she live? A When I first knew her she was down in the Coosawhatchee Nation.

Q Where did she go during the war? A Down in the Choctaw Nation.
 Q Who was she with down in the Choctaw Nation or do you know?
 A I don't know really who she was with; I used her there though.
 Q That was during the war? A Yes sir.
 Q Who did she come back with just after the war? A She came and brought her children back.
 Q Where did she bring them to? A Tahlequah.
 Q Did you see her bring them? A Yes sir.
 Q In what year was it? A I guess it was in '66, because it was the next year after I came.
 Q When did you come? A In '66.
 Q Was this applicant one of those children? A Yes sir.
 Q Who were the others? A She had several sisters along with her.
 Q Sisters of this applicant? A Yes sir.
 Q Where did Martha Thompson live after she came to Tahlequah?
 A She went back to the Choctaw Nation.
 Q When did she go back to the Choctaw Nation? A She staid there about a month or two at Tahlequah and went right back.
 Q When did you next see her? A I don't know if it was three or six years afterwards.
 Q Was this woman here still with her? A Yes sir all came back together.
 Q The second time? A Yes sir.
 Q You don't know where they located the second time? A No sir.
 Q You didn't see them all the time? A No sir I used them along, but I don't know where they located them together.
 Q Have you seen this woman in the last few years? A Yes sir.
 Q Where does she live now? A Out here on Panther creek.
 Q How long have you known her out there? A 3 or 4 years.

By Hastings of the applicant:

Q Is this the only witness you have in your case? A Only one here.

By Hastings of the witness:

Q What year did you see them in the south? A Time the war was going on.
 Q What year? A I don't know the year.
 Q Do you know one year from another? A No not hardly.
 Q How big was this girl down there when you knew her? A Very small girl.
 Q As much as ten years old? A I don't think she was.
 Q What is your best judgment on it? A I don't know.
 Q 7 or 8 years old? A I don't know, exactly, 7 or 8 I guess.
 Q That is your best judgment now in fact about it is it? A Yes sir.
 Q You think they returned here in '66 because you came in '66 do you?
 A Yes sir.
 Q How long before you came up here that you saw them down there?
 A Yes sir I left them down there.
 Q Did you leave them and then come immediately back to the Cherokee Nation? A Yes sir, I came right on.
 Q You left them in '65 down there? A Yes sir.
 Q And came right on to the Cherokee nation? A Yes sir.
 Q And you think that was in '65 that you came and in '66 that they came? A Yes sir.
 Q Do you remember what this woman's mother's name was then?
 A Martha Thompson.
 Q Had she married Thompson then? A Yes sir, I think so.
 Q Her husband Thompson was with her? A Yes sir.
 Q What place in the Choctaw Nation was that? A Place called Thompson's Dick I believe.
 Q Near what town was it? A Beggs Depot.
 Q How many miles from there? A 4, 5 or 6 miles from there.
 Q What direction from Beggs Depot to where these people lived?
 A I don't know, I just don't tell whether it was

north or south.

Q You were well acquainted with her and her mother? A I got acquainted with them.

Q Did she have any younger sisters or brothers? A Not as I know of.

Q Did she have any older brothers or sisters? A Don't know of any brothers that was there as I know of, there was some sisters.

Q How many sisters did she have? A There was 3 or 4 of them.

Q Do you remember any of their names? A One was named Katie and one was named Nancy and I think the other was named Dickey if I mistake not.

Q Near what other people were they living with some Cherokees?

A No sir, there was some Choctaws around there, there was some Cherokees further up.

Q Never saw any Cherokees from this country that you know that were down there in that country? A The Wrights, I think some of them was living there.

Q What Wrights, Connel and Eli? A (No response)

Q You came back to Sequoyah district didn't you? A Yes sir.

Q You lived down there a while? A Yes sir a little while.

Q Where did you see this woman and her mother first after the war?

A I seen them at Tahlequah the first time.

Q Where were they living in Tahlequah? A Right in the rear end of town, right in the edge of the brush.

Q In a house? A Yes sir.

Q Was this applicant with her mother then? A Yes sir, they was all together.

Q And her step father? A Yes sir.

Q And her mother had some three or four sisters living there?

Q Her mother's sisters I didn't know.

Q This woman's sisters then? A Yes sir this girl's sisters was there.

Q Do you know how long they staid there? A No sir.

Q You are positive that you saw them? A Yes sir.

Q What were they doing? A Trying to work for a living.

Q Did you ever stay all night with them? A No sir.

Q Did you ever go there to their house? A Yes sir.

Q What kind of a house did they have? A A little log house.

Q Do you know any one that was living with them? A Only their own family.

Q Are you positive as to the year that you saw them? A It was '66 because it was the year after I come up there.

Q Are you willing to swear that it was '66? A Yes sir.

Q What was her step father doing? A Trying to make a living, cutting wood and such like.

Q Have you ever been tried by any of the courts for anything, have you ever been up before the Fort Smith court? A Yes sir.

Q And tried there? A Yes sir.

Q Ever tried in the Cherokee courts? A Yes sir.

Q What for? A Selling timber.

Q Were you ever up before the court at Vinita? A Yes sir.

Q They indicted you for kid-napping there didn't they? A Yes sir.

Q You never knew this woman until you saw her in the Choctaw Nation? A No sir.

My Son's Needle at Mary Riley applies for herself and a grand child named Rosa McHair, four years of age; the applicant is not found on the authenticated roll of 1880 or the census roll of 1890; she is identified on the Kern Clifton and Wallace rolls; she avers that she is the child of Martha Thompson and the name of her mother is not found on any of the rolls of the Cherokee Nation; she avers that Rosa McHair is the child of her daughter, Dora and that Dora's husband was one Alf McHair, and the name of Rosa Riley McHair is

said Dora McHair is found on the Kern Clifton roll as Dora Rider which was the name that the said Dora applicant's husband sometimes went by. She avers that the said Dora is not now living. The name of the said Mary Riley and her grand daughter Rosa McHair will be listed for enrollment as Cherokee freedmen on a doubtful card and she will be notified by mail of the final decision of the Commission. It will be necessary for her to file satisfactory proof of the birth of the said Rosa McHair, her name not being found on any of the rolls of the Cherokee Nation in the possession of the Commission.

Chas. vonWeise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(signed) Chas. vonWeise.
Subscribed and sworn to before me this 20th of June, 1901, at
Nowata, I. T. (signed) T. B. Needles,
Commissioner.

File with Mary Riley, C. V. D-624.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 27, 1901.

In the matter of the application of Mattie McHair for enrollment as a Cherokee Freedman.

Supplemental testimony.

Appearance:

Hellotte Smith, attorney for applicant;
W. V. Hastings, of Counsel for Cherokee Nation.

Katie Blackwell, being duly sworn, by Commissioner Needles, testified as follows:

Q. State your name? A. Katie Blackwell.

Q. Do you know Mattie McHair? A. Yes, sir.

Q. Is she related to you? A. Yes, sir.

Q. What? A. She is my niece.

Q. What was Mattie's mother named? A. Nan Vann.

Q. Is she living or dead? A. She is dead.

Q. When did she die? A. She has been dead about some two or three years I think.

Q. Where was she living when she died? A. Living down here on Brushy.

Q. Living in the Cherokee Nation? A. Yes, sir.

Q. How old is that girl? A. I don't know exactly.

Q. Born before the war or since? A. Born since the war.

Q. Where? A. Now here in Tahlequah.

Q. In the Cherokee Nation? A. Yes, sir.

Q. Was her mother, your sister, a slave? A. Yes, sir, she was my sister's slave.

Q. Who did she belong to? A. Jane Morgan.

Q. Was Jane Morgan a citizen of the Cherokee Nation? A. Yes, sir.

Q. Where did she live before the war can speak? A. In Seig Snake district.

Q. What became of your sister during the war, this girl's mother, was she taken out or stay in the Nation? A. Yes, sir, taken out.

Q. Where was she taken to? A. Choctaw Nation.

Q. When did she come back? A. In '66.

Q. Where did she live? A. Webber's Falls.

Q. How long did she stay about Webber's Falls? A. About four or five weeks I reckon.

Q Then where did she go to? A We went back in the Choctaw Nation.
 Q Then when did you return to the Cherokee Nation after that?
 A We returned back, we were down back in the Choctaw Nation about six or seven years or maybe longer and came back then and came to Gibson.
 Q Port Gibson, in the Cherokee nation? A Yes, sir.
 Q You know where this girl was born? A She was born at Tahlequah.
 Q When did her mother go to Tahlequah? A She stayed to Tahlequah a while and then she came up here and then she went down to Tahlequah, we stayed to Tahlequah after we came in.
 Q When was that? A After we came in.
 Q The first or second time? A The last time.
 Q With whom did you stay when you came back here in '66? A Why, I stopped a while at Webbers Falls as I told you and we went back, we didn't stay with anyone, we returned back.
 Q Who do you mean by we? A My mother and sisters.
 Q This girl's mother? A Yes, sir, and my mother.
 Q What did you go back to the Choctaw Nation for? A Times was so hard we couldn't get along here.
 Mr. J. S. Davenport, Cherokee attorney: Did you go out of the Choctaw Nation with your sister? A Yes, sir, they carried us out.
 Q And return wither? A Yes, sir.
 Q Well, who returned with you in the crowd back to Tahlequah or in that country? A My mother and sisters.
 Q Anyone else, any other families? A No, sir.
 Q Came back alone? A Yes, sir.
 Mr. Smith: Who is Mary Riley? A That is my sister.
 Q How old is your sister? A I don't know exactly how old.
 Q Was she born before or after the war? A She was born in time of the war.
 Q What was your mother's name? A Martha.
 Q Who was it that came back to Webbers Falls in '66, what members of your family? A My mother, she is on the roll there Martha Knight.
 Q Who else? A As I told you, my mother and all of my sisters.
 Q Who were your sisters, name them? A Mary Riley now, and Nancy, this girl's mother, and Dicky and myself.
 Q Where did Mary Riley, did she go back to the Choctaw Nation with you when you went back? A Yes, sir, she was just a child.
 Q Her mother took her back? A Yes, sir.
 Q And when did she come back to the Cherokee Nation? A Came back when we all came back again.
 Q Where has she been living ever since? A Lives over here on Panther Creek.
 Q In the Cherokee Nation? A Yes, sir.
 Q Has she been living there ever since she came back from the Choctaw Nation with her mother? A Yes, sir.
 Mr. Davenport: How old was Mary when she came back from the Choctaw Nation? A I don't know exactly how old she was.
 Q How old was she? A She was a good big girl, when we came back.
 Q Grown? A No, sir, not quite grown.
 Mr. Smith: I want this filed in Mattie McHair's case and in Mary Riley's case, (D624).

Commissioner: This testimony will be filed in the case, D-620, and Mary Riley, enrolled on D-624.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.
 (signed) Bruce C. Jones.
 Sworn to and subscribed before me this 29th of July, 1901.
 (signed) R. D. Green.

D
634

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 17 1901

ACTING CHAIRMAN

[Handwritten signature]

VALLEY PAT

HOLY OF THE MASS, U.S.A.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

AND IN THE

M.D. Green, being first duly sworn, deposes that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that same is a true and correct copy of the original transcript.

M.D. Green

Subscribed and sworn to before me this August 18, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T. June 10, 1901.

In the matter of the application of Adaline Hardman for the enrollment of herself and one child as Cherokee Freedmen; before sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Addie Rider.
Q How old are you? A About 19 or 20.
Q What is your post-office address? A Wimer.
Q What district do you live in? A Coowaseeowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My Baby.
Q Are you married? A Yes sir.
Q What is your husband's name? A Joseph Hardman.
Q If you are married to Joseph Hardman how did you do your name happen to be Rider? A That's my old den name.
Q What is the name of your child? A Effie Ida Hardman.
Q How old is she? A 2 years old.
Q What was your father's name? A Andy Rider.
Q Has he been listed for enrollment? A I reckon he has.
Q What is your mother's name? A Mary Rider.
Q Where were you born? A In this Nation.
Q In the Cherokee Nation? A Yes sir.
Q Have you always lived in the Cherokee Nation all your life? A Yes sir.
Q Is your father on the roll of 1880? A I don't know.
Q Why wasn't you here to be enrolled with him? A Maria, I always enrolled with her.
Q Has she been enrolled? A Yes sir, she enrolled Saturday.
Q Did you draw what is known as Strip money? A Yes sir.
Q Is your husband living? A Yes sir.
Q Are you and him living together? A No sir.
Q How long have you been married? A About three years.
Q Cherokee Rep've Hastings: My recollection is your mother was enrolled as Riley? A I know she is.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified the roll as follows:
page 172 #4224 Adaline Rider, Coowaseeowee District.

- Q Your father and mother are neither on the roll of 1880 are they?
A I don't know.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's parents, and names not found thereon.

- Q Your mother's name ever Mary Riley? A Yes sir, her name is Mary Riley now.
Q How did it happen to be Riley? A Because she married a Riley.
Q Did she have a granddaughter named Rosa McHair? A Yes sir.
Q You born and raised in the Cherokee Nation? A Yes sir.

By Cherokee Rep've Hastings:

- Q You lived here all your life? A Yes sir.
Q Where have you lived? A On Big Creek.
Q You have lived there ever since you can remember? A I have lived on Panther Creek, I just went to Big Creek to live along in March.

Com'r Needles: Adaline Hardman applies for the enrollment of herself and child, Effie Ida Hardman; her name cannot be found upon the authenticated roll of 1880 or the census roll of

Amelia Hardman et al 2

1890, but is identified on the Kern-Whitman Day roll, as Amelia
Rider, according to page and number of the rolls as indicated
in the testimony. She swears that she is now a child of Mary
Rider who was listed for enrollment on D card 184; the testi-
mony taken in the case of said Mary Rider will be made a part
of the record in the case at bar, and a copy filed herewith. She
swears that she is now married to one Joseph Hardman, by whom
she has one child, little Ida Hardman, two years of age, and
she makes satisfactory proof of birth of said child; she makes
satisfactory proof as to two losses by reason of the fact that
her parents name is listed on a doubtful card, said Amelia
Hardman and her child little Ida, will now be listed for enroll-
ment as Cherokee Freedmen on a doubtful card, and will be no-
tified by mail when the Commission arrives at a conclusion in
her case.

Mr. Groves being first duly sworn, stated that as stenographer in the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 15th day of June, 1901.

[Signature]

Commissioner

RECEIVED
JUN 15 1901
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

No. D. 634

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A.D. 1901

Subscribed and sworn to before me
this day of A.D. 1901.

Notary Public.

Proof of Service made
and original filed with the
DAVEY COMMISSION.

SEP 24 1901

NOTICE!

IN THE MATTER OF the application of O. Leone Hermon
for enrollment as a Cherokee citizen:

Case No. D. C. 214

To O. Leone Hermon Warner

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.

Indian Territory, on Oct 7 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L B Bell
M. W. Hastings
Attorneys for the Cherokee Nation.

Filed with

Adeline Hartman, O. P. D. 634.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 8th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Katie Blackwell et al, O. P. D. #537.

Appearances:

T. W. Hastings for the Cherokee Nation.
Hallett & Smith for the applicant.

PATSY JOHNSON being first duly sworn states by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation;

(By Hastings)

- Q What is your name? A Patsy Johnson.
Q How old are you Mrs. Johnson? A About 52.
Q Where were you born? A On Caney at Nick Sanders.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q What is your post office address? A Fort Gibson.
Q How long has it been your post office? A It has been ever since the war.
Q Were you the property of Nick Sanders before the war? A Yes sir.
Q Where were you living at the close of the war? A Gibson, Fort Gibson.
Q What was your maiden name? A Patsy Sanders.
Q When were you first married? A I don't remember the year.
Q About how long after the war— your first husband was named Dennis wasn't he? A No sir, Joe Brown.
Q When were you married to Dennis? A Must have been in '69.
Q In the spring or fall? A Fall.
Q What was Dennis doing at that time? A He was a soldier.
Q In the regular army? A Yes sir.
Q Where were you married to him? A Fort Gibson.
Q Well did you continue to live there that year? A Yes sir a part of that year.
Q Where did you go from there? A Fort Arbuckle.
Q Where is that? A Chickasaw Nation.
Q Did you know a colored woman who goes now by the name of Katie Blackwell, and who about that time was known as Katie Thompson? A Yes sir.
Q Where did you first know her? A Fort Arbuckle, in the Chickasaw Nation.
Q When did you first know her? A In the last part of '69 I think it was.
Q What was Kate's husband's name? A Albert Thompson.
Q Did she have a mother living? A Yes sir, Martha.
Q What was her husband's name? A Sid Thompson.
Q Did Katie have any sisters? A Yes sir.
Q Name some of them? A Dicey Sorrell at that time, Nan Hailstorm and Tempy Thomas.
Q Did you see them all there at that time? A Yes sir.
Q Do you know Charles Blackburn? A I used to see him, not well acquainted with him.
Q You say Dicey married a Sorrell? A Yes sir.
Q What was his occupation? A Soldier in the same company my husband was in.
Q Where were they married? A In that country some place.
Q How long did you remain out there? A Six months I think.
Q Then where did you go? A Come back to Gibson.
Q Did you talk with these people while they were out there? A Yes sir.
Q Did they say anything about having come back here after the war? A No sir.
Q Did you ever afterwards see them? A Yes sir after they come back here.
Q When was that? A It must have been in the year '73 or '74, about that time, in '74 I guess.
Q That is your best judgment? A Yes sir long about that time.
Q Do you remember who came with them? A I think that they told me.

Q Who told you that? A Dicey.
Q Well, that did she tell you? A That her mother and the rest of them had gone on to Tahlequah--she stopped with me.
Q You didn't see the rest of the family at that time then? A No sir.
Q Where were you living then when she stopped with you? A 7 miles from Fort Gibson.
Q How far from Four Mile Branch? A 3 or 5 miles.
Q Do you know if Dicey Sorrel had any children at that time? A Yes sir.
Q What ones? A Two little boys and one girl.
Q What were their names? A Mattie was the girl, she was the oldest one, one boy named Morris and one Richard.
Q How long did they stay at your house that time? A 5 or 6 months.
Q Did they tell you then where they were from? A No sir.
Q Didn't say where they come from? A No sir.
Q Did they at that time say anything about having been here before, since the war? A No sir didn't say.
Q Was Dicey Sorrel acquainted with where people lived in the country at that time? A I think not.
Q Was you acquainted with her before the war? A No sir.
Q What made her come to your house in '74? A I met her in Fort Arbuckle, our husbands were soldiers together.
Q Had your husband been a soldier with her husband before Sorrel married Dicey? A Yes sir.
Q They staid at your house 4 or 5 months? A Yes sir, so thing like that.
Q Do you know Henry Bean who lived at Tahlequah? A Yes sir.
Q Did you see him at that time? A Yes sir he brought Sorrel's family to my house.
Q Who did you say Tempy married? A Man named Thomas.
Q And Nan married Hallister? A Hallstock.
Q Did you see Nan and Tempy at Fort Arbuckle in the Chickasaw Nation? A Yes sir.
Q From the time you left there way in '69 you never saw them until they came to your house in '73 or '4? A No sir.
Q After they came there did they talk to you about Fort Arbuckle? A Not much.
Q Do you know what Dicey's name is now? A I think she married a man named Tanner or Tinner, I was not quainted with him.
Q Where did they go from your place? A Went to Tahlequah.
Q Did you ever afterwards see Kate and the rest of the family at Tahlequah? A Yes sir.
Q Do they live there now? A No sir they moved up this way some where I dont know where.
Q Have you seen her since? A No sir.
(By Smith)
Q Were you a slave before the war? A Yes sir.
Q Who did you belong to? A Nick Sanders.
Q Do you know who this woman Kate belonged to? A No sir.
Q Where was you during the war? A Fort Gibson.
Q Did you go out at all? A Yes sir.
Q Where to? A Fort Arbuckle.
Q When did you get back? A I dont remember what time.
Q In '65 or '6? A No sir I never was away at that time.
Q You didn't go away until after the war then? A No sir.
Q Where were you when the war closed? A Fort Gibson.
Q Where were you the next year? A On Lost Runyon's place on the Bayou.
Q What year was that? A Year of the cholera.
Q '66? A No sir, '67.
Q What year did the war close? A '65 I think.
Q You think then the war year after the war closed was '67? A No sir, '66 and then comes '67.
Q Well what year did you make a crop on the place you spoke of? A '67.
Q That was the year after the war closed you said? A No sir, '65, '66, '67 and '7.

Then it must have been four or five years after the war that you made a crop on that place? A Yes sir, we made one crop close to Gibson, across the river from Frank Smith's place.

Q What year was that? A I don't know what year.

Q You say you know this woman in '69 in the Chickasaw Nation, now you don't know anything about '69 do you? A Yes sir.

Q You say the war closed in '63? A Yes sir.

Q And you say you made a crop the year after the war closed and that it was in '67? A We made a crop in '67 on the Lost Runyon place and one the year before on the Frank Smith place.

Q Was it the year after the war closed? A (No response)

Q You say it was in '69 that you saw this woman in the Chickasaw Nation? A Yes sir.

Q How long had you been married when you went to the Chickasaw Nation? A I married here that year.

Q What month? A In the fall.

Q How long had you been married when you went to the Chickasaw Nation? A I don't know, I think I married before I married Dennis—I wasn't married to Dennis when we made these crops—I married him as a soldier and went off with him.

Q You married him in '69? A Yes sir.

Q How long did you stay with him in Fort Gibson before you went to the Chickasaw Nation? A Not long.

Q How long, three months? A No sir, I don't know how long.

Q Was it a year? A No sir.

Q Was it six months? A No sir.

Q Three months? A No sir, it wasn't a month I don't think.

Q How long had you been in the Chickasaw Nation before you saw this woman Katie Blackwell? A Not long, they worked in the garrison there.

Q Was your husband still a soldier then? A Yes sir.

Q How did you go to Fort Arbuckle? A In a wagon.

Q Who went with you? A The man that was driving the wagon.

Q Was you and he along in that wagon? A Yes sir.

Q Was that all that went? A No sir the company of soldiers, the 10th Cavalry.

Q In '69? A Yes sir.

Q And your husband was a soldier then? A Yes sir.

Q How long was he a soldier there? A He was a soldier five years was his term.

Q How long had you been in Fort Arbuckle before he quit? A I don't know.

Q Did you come back that same year or was it longer? A I don't know how long it was, soldiers moved about in such a shape that I don't know.

Q Tell me how you fix the date of '69—what makes you think it was '69? A Because we was—I had one child before I married Dennis, it was born in '68 and in '69, the last part, I went away with the soldiers.

Q How old was that child when you went away? A 6 or 8 months.

Q How do you remember the child was born in '68? A I remember it very well.

Q Do you know the difference between '67, '68 and '69? A Yes sir.

Q How many children have you now? A Four.

Q What year was the next one born? A Born in '70.

Q When was the next one born? A '72.

Q When was the next one born? A Born in— you can count it up, it is 5 years old now.

Q You don't know the year? A If I stopped to count it up I would.

Q Do you know the year the Wallace roll was made? A By long study I might know, there is lots of things that I don't remember, there there are things that happened a long time ago that I remember quite well and other things that I don't remember at all that happened not so long ago.

Q Were you in Webster's Falls in '86? A No sir.

Q You were in Fort Gibson all that year? A Yes sir.

Q Would Katie Blackwell be now? A I don't know, when I met her

she was married.

Q Was he an old woman or a middle aged woman then? A I would call her a middle aged woman then.

Q Was she as much as 40 when you know her? A I don't know.

Q What would you call a middle aged woman? A 25, or 30 I guess.

Q You think she was about that old then—did she have any children?

A I think so, but I wasn't acquainted with the children.

Q Didn't she come to your house and stay? A No, sir, Dickey did.

Q Who was Dickey? A Kate's sister.

Q Was it Dickey or Kate that you saw in the Chickasaw Nation? A O

I saw them all there. I was acquainted with four sisters and some of the family I wasn't acquainted with.

Q How many crops had you made before you went to the Chickasaw Nation?

A We made two.

Q Where did you make the crop the first year after the war? A On Frank Smith's place.

Q Where the next year? A None.

Q Where the third year after the war? A The next crop we made we made on the Bayou.

Q When was that? A The year of the cholera, I know all my people died and I think it was in '67.

Q You know it was after the war when you made a crop on the Frank Smith place? A Yes sir My step father made a crop there; I don't think the war was quite closed then.

Q How many years was it when you made the crop on the Bayou? A I think he had tended another crop up by Fourteen Mile Creek I was not there though.

Q You never were at Webbers Falls during '66? A No sir never was there.

Q When did your husband quit the army if you can tell me? A He quit the army in '73 I think it was that his time was up.

Q At what place did he quit? A I don't know where he was discharged, when he came home I was at home.

Q Where? A Where I am living now.

Q Fort Gibson? A No sir seven miles the other side.

(By Hastings)

Q What is your best judgment as to how long you were at Fort Arbuckle?

A 5 or 6 months.

Q What year comes before '66? A '65.

Q What year do you think the war closed? A '65, I think.

Q Were you in '64? A Fort Gibson.

Q Was the war going on then? A No sir, the war wasn't going on there, right there, they was fighting off from there I think I was in the town of Fort Gibson then.

Q You were married to Dennis in '66? A Yes sir.

Q You think you had been married a month when you went off with him? Yes.

There will be filed and made a part of the record in the following Cherokee Freedman doubtful case: D-327; D-754; D-755; D-757; D-333; D-334; D-343; D-438; D-624; D-634; D-354; D-357; D-368 and D-629.

Chas. von Weiss, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 14th of October, 1901.

Commissioner.

File with Adeline Hardman, C. F. D. 634.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 10th 1901.

In the matter of the application of Mary Riley et al, C.F.D. 624.

SUPPLEMENTAL ORDER.

By W. W. Hastings Cherokee representative: " Comes the Cherokee Nation and ask that the testimony taken in the case of Carrie West, C. F. D. 336 and the testimony taken in the case of Katie Blackwell et al C. F. D. 327 be made a part of the record in the case of Mary Riley.

and further:

The Cherokee Nation asks that the testimony taken in the case of Mary Riley including such reference as are filed with it, be made a part of the record in the case of Adeline Hardman C. F. D. 634.

and further:

The Cherokee Nation asks that the testimony taken in the case of Katie Blackwell, C. F. D. 327 be made a part of the record in the case of Carrie West C. F. D. 336 and that same be also applied in Cherokee Freedman cases, D-337 and D-338.

BY COM'R NEEDLES: The above orders will be made as requested.

=====

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 25th of October, 1901

C. H. Buckinridge
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

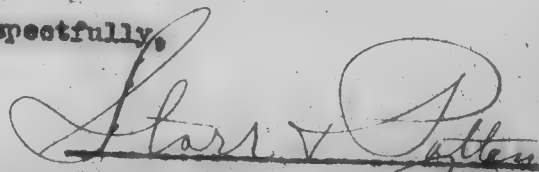
In the matter of the application for the enrollment of Adaline Hardman,
F. D., 634 as a Cherokee Freedmen.

M O T I O N F O R R E H E A R I N G.

Comes now the applicant, Adaline Hardman, and moves the Honorable Secretary of the Interior to remand this case to the Honorable Commissioner to the Five Civilized Tribes for rehearing.

The record herein shows that Adaline Hardman is a descendant of one Mary Riley, and has been born since 1866. The applicant was denied enrollment by the Commission to the Five Civilized Tribes on April 20, 1904 and this decision was affirmed by the Honorable Secretary of the Interior on October 31, 1904. The applicant has testimony by which she expects to prove that she is an illegitimate child of Andy Rider, who is an applicant for enrollment in Cherokee Freedmen Doubtful case No. 500 and in the event that it is determined that Andy Rider is entitled to be enrolled as a Cherokee Freedmen, applicant expects to prove that she is the illegitimate child of the said Andy Rider and is entitled to such rights to enrollment as the said Andy Rider is entitled to. The affidavit of Adaline Hardman is hereto attached, and in the event it is determined that Andy Rider has rights to enrollment, applicant expects to prove by Andy Rider and other witnesses that she is his illegitimate child.

Respectfully,



ATTORNEYS FOR APPLICANTS.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
WESTERN DISTRICT

vs.

J. C. STAIR, of lawful age, being first duly sworn, on his oath says that he is one of the Attorneys for Applicant in the above entitled case and that this Motion for rehearing is made in good faith and not for the purpose of delay but in order that justice may be had.

J. C. Stair

Subscribed and sworn to before me this 18th day of June, A. D., 1900.

James Patten

NOTARY PUBLIC.

My commission expires December 15, 1900.

DEPARTMENT OF THE INTERIOR,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment of Adaline Hardman
et al for enrollment as Cherokee Freedmen.

United States of America,
Indian Territory,
Northern District SS.

This day personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory, Adaline Hardman of lawful age who being duly sworn on oath states that her mother's name was Mary Riley now deceased who was at the time of her death the wife of Frank Riley and that she has always been told that she was the illegitimate child of Andy Rider whose Cherokee Freedmen Enrollment case is number F D 600. That during all of her life the said Andy Rider has recognized her as his child; and that her mother always told her that Andy Rider was her father.

--ADALINE HARDMAN-----

Subscribed and sworn to before me this 8th day of May A D. 1906.

D. A. SMITH,

Notary Public.

Commission Expires
Dec 4, 1909.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Adeline Hardman as a Cherokee Freedman, N. D. 634.

Protest of Cherokee Nation Against Motion
to Reopen.

The record in this case shows that Adeline Hardman claimed to be the child of Andy Rider and Mary Riley. Her application to be enrolled was denied by the Commission on April 20, 1904, and approved by the Secretary of the Interior on October 31, 1904. The records also show that her alleged father, Andy Rider, was denied by the Commission on August 30, 1902, and that the same was approved by the Secretary of the Interior on November 28, 1902; said case was reopened and remanded and after being exhaustively heard was again denied by the Commissioner to the Five Civilized Tribes on June 4, 1906.

We submit that there is nothing in the motion that would entitle the applicant to a rehearing. In the first place, it is not upon the ground of any newly discovered testimony, and in the second place, it is not because of any error of law in the decision, because there is no contention that the said Andy Rider is enrolled upon the authenticated roll of 1880, and, therefore, we cannot see why the motion for rehearing should be granted upon any theory of the case.

There is no merit in the case of Adeline Hardman, and there is none whatever in the case of Andy Rider, and even if there were merit in the case of Andy Rider the applicant Adeline Hardman should not be enrolled as his illegitimate child, because the said Andy Rider does not claim to be upon the roll of 1880, and it is only the illegitimate children claiming through people upon the authenticated roll of 1880 that the Department has previously held to be entitled to be enrolled and not illegitimate descendants of claimants to citizenship.

Again, the testimony of Adeline Hardman shows that on June 10, 1901, she stated that Andy Rider was her father. She presents no additional affidavits at this time to strengthen her former statement, neither does she plead she has any newly discovered evidence which could not have been adduced at a former trial upon diligent inquiry, and we submit therefore that there is nothing in the motion to entitle the applicant to a re-hearing.

Respectfully submitted,

(Signed) W. W. Hastings
Attorney for the Cherokee Nation.

6-18-06

C O P Y .

Refer in reply
to the following:
Land-40528-1906
72-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, January 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of May 7, 1906 (I.T.D. 4720,8835-1905, and 4998-1906), denying a motion for review in the Cherokee Freedman case of Katie Blackwell, Gertie Tinnon, Lunnie Tinnon and Thomas Ross, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes enclosing a motion filed June 14, 1906, by Starr and Patton of Vinita, I. T., attorneys for the applicants, for a rehearing in the Cherokee Freedman case of Adeline Hardman one of the party applicants in the case of Kate Blackwell et al. This motion was served on the attorneys for the Cherokee Nation by registered mail on April 13, 1906. The protest of the Cherokee Nation was filed with the Commissioner July 5, 1906.

The motion sets out that the applicant expects to prove that she is an illegitimate child of one Andy Rider, and that she expects to prove by Andy Rider and other witnesses that she is such an illegitimate child. This would be considered in the

nature of newly discovered evidence and is not supported by the affidavit of Andy Rider himself or by any other witness except the applicant, nor is an effort made to show why this testimony could not have been produced at the original hearing. The protest of the Cherokee Nation further shows that Andy Rider, whom she claims is her natural father, has twice been denied enrollment and is not now an enrolled freedman citizen of the Cherokee Nation.

The Office concurs in the recommendation of the Commissioner to the Five Civilized Tribes that the motion be denied.

Very respectfully,

C.F.Larrabee.

Acting Commissioner.

EWE-D.

DEPARTMENT OF THE INTERIOR,

Washington, January 21, 1907.

I.T.D.594-1907.
L.R.S.

J.F.J.
LLB

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On January 9, 1907 (Land 40528-1906, 72-1907), the Indian Office transmitted your report dated December 24, 1906, in the matter of a motion for rehearing in the application of Adaline Hardman et al., for enrollment as a Cherokee freedman.

The applicant Adaline Hardman is a party to the consolidated case of Katie Blackwell et al., in which you rendered an adverse decision April 20, 1904, and which said decision was affirmed by the Department on October 31, 1904.

On April 9, 1906, however, departmental decision of October 31, 1904, was rescinded as to Mattie McNair and James Landrum.

On May 7, 1906, the Department denied a motion for review in the cases of Katie Blackwell, Gertie Tinnon, Lennie Tinnon and Thomas Ross.

The Cherokee Nation protests against the granting of the motion on behalf of Adaline Hardman.

You state that except by the affidavit of the applicant, the motion is unsupported by affidavits, being merely

the statements of what the attorneys expect to prove. You recommend that said motion be denied.

The Indian Office concurs in your recommendation. A copy of its letter is enclosed.

In view of the fact that the Department this day has denied the application of Andy Rider, the alleged father of this applicant, and for the reasons set forth in your recommendation, the motion is hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 7 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.

R 679

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 31, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedman enrollment case of Adaline Hardman, filed June 14, 1906, was denied by the Secretary of the Interior, January 21, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. N-53
JMH

Commissioner.

Cher Fr D 635

Cher Fr D 635

to be filed in the case of

Francis Smith C.F.D. # 631

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 7, 1901.

In the matter of the application of Jane Looney for enrollment as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for Applicant.

J. S. Davendorf, of counsel for Cherokee Nation.

Jane Looney, being duly sworn and examined by Commissioner Braxton Burdige, testified as follows:

Q Give me your name? A. Jane Looney.

Q How old are you? A. I guess I am about 57 or 58.

Q How what is your post office? A. Centralia.

Q In what district do you live? A. Edginglake.

Q Or Doowessowee which? A. Doowessowee.

Q Do you wish to be enrolled as a Cherokee freedman? A. Yes sir.

Q Do you want to apply for anybody besides yourself? A. Yes sir, I have 7 children.

Q Are these children all under 21 years of age? A. Yes sir.

Q Are they all unmarried? A. No sir, some of them married, one girl is married, one girl married.

Q Then you have only five of them? A. Well, I have one boy married, he is in the pen, he isn't here.

Q How many of your children are over 21 years of age? A. All of my children are over 21 years of age.

Q Have you got a husband? A. No sir, my husband is dead.

Q Then you apply only for yourself? A. And two grandchildren.

Q Are these grand children orphans? A. Their father is dead, their mother is not.

Q Well, let her apply for them? A. They live with me.

Q Well let her apply for them? Is that all you have in your family? A. Yes sir.

Q Is your husband dead? A. Yes sir, my husband is dead.

Q How long have you lived in the Cherokee Nation? A. Ever since I have been born.

Q Were you out during the war? A. I went out and staid a while.

Q Give me the name of your father? A. My father was dead before I can recollect him.

Q Give me the name of your mother? A. Rose Wright.

Q Is your mother dead? A. Yes sir.

Q How long has she been dead? A. Been dead ever since slavery.

Q Were you a slave in the Cherokee Nation when the war began? A. Yes sir.

Q To whom did you belong? A. Eli Wright.

Q Was he a well known Cherokee citizen? A. Yes sir.

Q How many times have you been married? A. Once.

Q How long since you married? A. I have been married ever since slavery, married in slave times.

Q What was your husband's name? A. David Belator Looney.

Q How long has he been dead? A. Been dead going on 3 years.

Q Was he a Cherokee freedman? A. Yes sir.

The 1884 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1884 census roll of Cherokee freedmen examined and the applicant not identified thereon.

The Horn-Clifton roll examined and the applicant identified thereon page 173 No 1880, Soudewessee district.

Q You went out during the war, did you? A. Yes sir.

Q Where did you go? A. Springfield, Missouri.

Q Did your husband go with you? A. Yes sir.

Q When you came back did your husband come with you? A. Yes sir.

Q You and he went out together and came back together? A. Yes sir.

Q And then lived together all the time after you came back? A. All the time, yes sir.

Q What time did you come back after the war? A. We came back in the winter along just before Christmas.

Q In what year? A. In the year of '88, I think.

Q What time of the year? A. Just about four weeks before Christmas.

Q Well, how comes it you are not on the roll of 1880? A. Because the old man didn't try.

Q Well, did you ever apply, or did your husband ever apply for you and the family, to sit courts in Tahlequah, or any other court? A. No sir.

Q He wasn't before the District Court or the Chambers Court back in '90 or '91? A. No, he never was.

Q And you think that no effort was made to get on the roll of 1880?

A. No sir, I don't think there was.

Q How many children have you got? A. Seven.

Q Give me their names? A. Frances.

Q How old is Frances? A. I don't know how old Frances is, she was born in slave times.

Q Is she married now? A. Yes sir.

Q What is her name now? A. Frances Smith.

Q Now what is your next child? A. Ellen Adams.

Q She is married, is she? A. Yes sir.

Q What is your next child? A. John Leoney.

Q How old is John? A. I think he is 23 years old, he may be older than that.

Q Give me the name of your next child? A. Rosetta Leoney.

Q How old is Rosetta? A. I think she is 28 or 29 years old, I think.

Q Is she married? A. She has been married, her husband is dead.

Q Does she live by the name of Leoney? Does she go by the name of her husband? A. That is the way to put her down.

Q What is the name of her husband? A. Elmer Roosen.

Q Well, your next child? A. Lucinda Williams.

Q She is married, is she? A. Yes sir.

Q About how old is Lucinda? A. She is about 27 or 28 years old, I don't know which. I don't know nothing about their ages.

Q Which one next to Lucinda? A. George.

Q How old is George? A. George is 28.

Q Now what is the next child? A. That is all, no, Henry.

Q How old is Henry? A. Henry is the oldest.

Q How old is he? A. I can't tell you.

Q Is he older than Frances? A. No sir.

Q Is he older than Ellen? A. Yes sir.

Q Mr. Deaneport, where were you living when the war came up?

A. I was living in Tahlequah.

Q Where did you go when the war broke out, if you ever left the country? A. Springfield, Mo.

Q Well now, how long did you live at Springfield, Mo.? A. We didn't stay there a year.

Q Did you go on any expeditions about the time the war broke out? A. No, I guess we went there along during the war.

Q Well, where was your son, or Frances born? A. Born in going west.

Q What was the name of the place where you lived before you came to Tahlequah? A. Yes sir.

Q How long did you live there?

A I think she was either five years old or six, I dont know which.
Q Where was Henry born? A He was born, I dont know where he was
born at, either in Kansas or Springfield, I dont know which, because
we were traveling all the time.
Q The fact is, you have never had any permanent place of living
since the war? A No sir.
Q How long did you live in Kansas? A Never lived in Kansas.
Q How long did you live in Missouri? A I just traveled around in
Missouri, I dont know how long we did stay there.
Q About how many years did you stay there? A I cant tell you.
Q Did you stay there three or four years? A I think we staid there
two years, I think.
Q Well, where did you go from Missouri? A Came on back down here,
camped along, we were traveling by ourselves, nobody with us, went
by ourselves and came by ourselves.
Q After you got back down here, then where did you go? A Went over
in the river here to my sister in law's, in the Verdigris; not the
Verdigris, the Grand River, and staid there two or three weeks.
Q After you staid over at Grand River, where did you go? A Went on
Big creek.
Q How long did you stay at Big creek? A Staid there ever since we
have been here.
Q You never lived on Bottom creek? A No sir, the old man has been
over there.
Q Haven't you lived in Arkansas a while since the war? A Not as I
know of, as I didnt know it was there.
Q Didn't your husband and you go over there and live near Gane Hill,
Arkansas after the war with a man named Fisher? A I dont know noth-
ing about him.
Q About five miles from Gane Hill, Arkansas, didn't you live over
there a while? A No sir, not as I know of, we just traveled all
the time, we never staid anywhere hardly any time, didn't stay
traveling.
Q Never had a home anywhere since the war? A Not till we came to
Big creek.
Q How long have you been living at Big creek? A Ever since '66.
Q Well, now didn't you and your husband go to Leavenworth, Kansas,
and live there a little while there with a fellow by the name of
Tom Bost? A No sir, I dont know nothing about him.
Q Did you ever know such a man as Tom Bost? A No sir.
Q Well how is it you remember you came back here just four months
before a certain Christmas in '64? A Because I had my oldest boy,
he was born, he was 2 years old in the year '62.
Q How old is he now? A Well, I cant forget, how old he is now I know
he was 6 years old the year the brecky was made, he was two years
old, he was born in '64.
Q How old is your oldest boy now, so you know? A No sir, I cant
say, I forgot.
Q You know he was born in '64? A Yes sir.
Q What time of the year was he born? A On the 11th day of July, 24th
of July.
Q How when did you go to Springfield, Missouri? A We went there
during the war.
Q What time during the war? A I cant tell you nothing about the
year and months.
Q You told me about it, what you tell me when the war broke out? A
No sir.
Q Did you go to Springfield after the war broke out? A I dont know,
we were run off, we didnt stay till the
soldiers run us away.
Q About how long was it after the war began that you went to Spring-
field? A I cant tell you.

Q You certainly have some idea, was it a year or two years? A I guess it was two or three.

Q Well, you staid there about a year? A Yes sir, I guess we did.

Q Now you staid there longer than that? A No sir, we didn't we just traveled.

Q Did you go direct from the Territory to Springfield? A Yes sir, we went from the Territory to Springfield, and we were just by ourselves, and nobody was with us.

Q Now your child, Frances, you say was born in the Cherokee Nation? A Yes sir.

Q Was she born after you came back from Springfield, Missouri? A She was born in slave time I tell you.

Q She was born before you went to Springfield? A Yes sir, she was born a slave.

Q She was born on the 4th day of July? A No sir, the boy.

Q Well, how old was Frances when you went to Springfield? A I think Frances was either 6 years old, I don't know which, or seven.

Q Was the boy born before you went to Springfield, or after you got back? A No, he was born when we went to Springfield.

Q Before you went? A Yes sir.

Q Then you left the Territory for Springfield sometime after July 4, 1844? A Yes sir, I think that is it.

Q Now you staid about a year at Springfield? A No we didn't stay any year at Springfield.

Q Well, how long did you stay? A I think I told you how long we staid; if I knew the numbers and dates I could tell you, but I can't tell you, because I just can't say.

Q Was it less than a year? A. I don't know, we staid about something near a year.

Q Did you go direct from Springfield to the Cherokee Nation? A. Well the way we traveled around, it would take us a long time, because one was horseback.

Q When you started from Springfield, was your objective point the Cherokee Nation? A. Yes sir, went to the Cherokee Nation.

Q How long were you making the trip? A I don't know, because one was afoot and the other horseback.

Q Where were the children? A. I had one in my lap and one behind me.

Q How long were you making the trip? A I don't know sir.

Q Did you come by Fort Scott? A. No sir.

Q Leavenworth? A. No sir, we didn't we didn't come that way, we come through the woods.

Q To what point in the Cherokee Nation did you come when you returned? A. I can't tell you.

Q Do you know what district it was in? A. No sir, because I didn't know the names of places or districts.

Q Did you come by any point in Arkansas before you came to the Territory? A I think we came to a place they called Bentonville. I reckon that is the way we came.

Q You didn't go from Springfield to Gane Hill? A Yes sir.

Q That was the time your husband and family was over there and he was working for Fisher over to Gane Hill? A No sir, we never lived on Gane Hill.

Q Do you think you were as much as a year coming from Springfield to the Territory? A. I think we were.

Q You traveled pretty much all the time, didn't you? A. Yes sir, and camped out, we traveled till we got tired, and then camped in the woods.

Q Did you stop and work along the road? A He would go out and work a little, get enough grub, and then start again.

Q About how long would you work on one place? A. Sometimes a day and sometimes not a day, just get something to eat.

A Sometimes a day and sometimes not a day, just to get something to eat.

Q You were not more than a month or two making the trip from Springfield to the Territory? A No, sir, I guess not.

(Mr. Mellette) Where did you say you came to when you first came to the Territory? A. Came to my sister Judy, Peter Williams' wife.

Q Lived where? A. She lived on Grand river, that is the first place.

MUSE HARDRICK, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A. Mose Hardrick.

Q How old are you? A. 71.

Q What is your post office? A. Chelsea.

Q How long have you lived in the Cherokee Nation? A. All my life.

Q Where were you during the war, were you out? A. Yes sir.

Q Are you on the roll of 1880? A. No sir.

(Mr. Mellette) Do you know the applicant, Jane Looney? A. Yes sir.

Q Do you know her husband, Holson Looney? A. I knowed her husband.

Q Did you know them before the war? A. I knowed her husband before the war.

Q You didn't know Jane before the war? A. No sir.

Q Well, where did he live before the war? A. Lived at Murrell's, down in the Cherokee Nation, George Murrell.

Q Who owned him? A. George Murrell.

Q Was George Murrell a Cherokee Indian? A. No sir, his wife was.

Q He was a white man? A. Yes sir.

Q Well, do you know when this applicant and Holson Looney returned to the Cherokee Nation after the war? A. I don't know, I know when Holson came to my house.

Q Well, when did he come to your house? A. In the summer of '38.

Q Where did he come to your house? A. On Grand river, in the Cherokee Nation.

Q You didn't see this applicant then? A. No sir, I didn't see her, Holson came himself and he was looking for his sister.

Q You don't know where she was? A. No sir.

Q Do you know what became of Holson after that? A. No sir, I don't.

Q Did you see him any more? A. I seen him two or three or 'r years after that.

Q Where? A. He was over here at Vinita.

Q Do you know where he lived at that time, when you saw him at Vinita? A. No sir, I don't.

(Mr. Davenport) You are satisfied that when you saw this Holson Looney over there in the summer it was 'ee are you? A. Yes sir.

Q It was earlier than Christmas, or December? A. It was in the summer.

Q It was earlier than four weeks before Christmas? A. It was in the summer.

Q You don't know where they had been living prior to that time that you saw him there? A. No, I don't.

Q And you don't know where they lived since that time? A. No sir.

(Commissioner) Do you know anything about this woman being married to Holson Looney? A. No sir, no more than what he said he had a wife.

Q But you never saw his wife in those days? A. No sir.

Q How long had you known this woman? A. I never seen her until this week at the Court.

(Mr. Mellette) When did he tell you he had a wife? A. Over at the Office.

CHARLIE CHAMBERS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A. Charlie Chambers.

Q How old are you? A. 70 years old.

Q What is your post office? A. Hudson.

Q How long have you lived in the Cherokee Nation? A. Born living here all my life.

Q Were you out during the war? A. No sir, I wasn't in the war.

Q Did you go out of the Cherokee Nation while the war was going on?

A. I went over in the Choctaw Nation.

Q Are you on the 1880 roll? A. Yes sir.

Q Mr. Belton Looney, do you know the applicant her, Jane Looney?

A. Yes sir.

Q Do you know her husband, Belton Looney? A. Yes sir.

Q Well, now, when did you first see them after the war; do you remember? A. I saw him in '88 in Fort Gibson.

Q Where was she? A. He said he left her on Grand river, he told me; she wasn't with him at all, he was by himself.

Q Well, when did they move up on Big creek, do you know anything about that? A. No, I don't know just when they moved up there, I don't know.

Q Did you get acquainted with them up there? A. I got acquainted with them after I came from Fort Gibson up here, when I went there they had come moved here.

Q Where were they living then? A. They were living out on the prairie out on the east side of Big creek.

Q In what Nation? A. In Cooperscawee district here.

Q About when was that that you came up from Fort Gibson and found them there? A. That was about somewhere in '70.

Q (Mr. Davenport) You say you saw Belton Looney at Fort Gibson in '88? A. Yes sir.

Q What time in the year was that? A. Why it was along a while, just a while before Christmas, little while before Christmas.

Q Now then if Belton Looney testified in 1886 that he never returned to Fort Gibson at all, was that true or untrue? A. If he gave such evidence as that in 1886, that he never did return to Fort Gibson, is that true or untrue? A. I seen him there.

Q I asked you, if he testified that, was it true or untrue; in giving his testimony before the Kern-Clifton Commission, if he gave such evidence as that, was it true or untrue? A. I can't answer that question.

Q When did you come back to this country? A. I came back in '83, they told me in '83.

Q Are you on the 1880 roll regularly? A. Yes sir.

Q Did you have any conversation with Belton Looney at Fort Gibson in '88? A. No sir, not but a very little bit.

Q Who did he have with him? A. He didn't have anybody with her, I just went into Gibson and seen him there, and I went to him and shook hands with him because I was acquainted with him.

Q How many children did they have when the war broke out? A. Didn't have but one then.

Q Do you know of your own knowledge where they went during the war?

A. I know they went north.

Q Did you remain in the same locality where they had lived, or return to that locality when you came back after the war? A. I stopped at first right this side of Fort Smith, on this side the river in the Cherokee Nation.

Q Well, did you go back in that neighborhood? A. Yes sir, I came back in the neighborhood where I used to live, lived on the same place I had been when they first taken me away.

Q Who lived in that neighborhood when you returned up there there after the war? A. Why my owners was living there on that same place then, I came right back to them.

Q Who were they? A. Chambers, Maxwell Chambers and his wife; of course the old man was dead, but his wife was living on the same place.

Q What was the right family gone? A. They went south too.

Q Did you know to whom Bolston Leoney belonged at the breaking out of the war? A. Yes sir, belonged to George Murrell.

Q Where was George Murrell living? A. Well, George Murrell was living there in what they call Park Hill.

Q How far was Park Hill from where you lived at the Chambers place? A. Well, it was all pretty near the same place, it was all called Park Hill where they all lived, we didn't live just two or three miles apart.

Q George Murrell was a man who had a farm in Virginia and lived in Virginia the greater part of his time? A. I suppose he had a place there.

Q He lived there the greater part of his time? A. Pretty much.

Q Also kept a part of his slaves in Louisiana? A. I guess he did, I understand he did, anyway.

Q Did George Murrell ever have a permanent home at Park Hill, where he himself and family resided? George Murrell ever live permanently with his family at Park Hill, in the Cherokee Nation? A. Yes sir, he was there, called that home.

Q He would go back and forward? A. Yes sir, he would be there, because I knowed him.

Q His wife was a sister of Mrs. W. P. Ross, who now lives at Fort Gibson? A. Seems to me she was the daughter of Lewis Ross.

Q Wasn't she a sister of Mrs. W. P. Ross? A. Yes sir, that is right.

Q Then Bolston Leoney didn't belong to John Leoney at the breaking out of the war? A. No sir.

Q And you don't know who this man belonged to at the breaking out of the war? A. Yes sir.

Q Who did she belong to? A. Eli Wright.

Q How do you know that? A. I seen her there.

Q How far did Eli Wright live from Park Hill? A. He lived a good ways, but I was all over the country in them times.

Q About how far? A. I can't tell you just exactly it was.

Q Was it a hundred miles? A. No, I guess was about I come to be grown I expect it was somewhere between thirty and forty miles over there.

Q You lived in there at Park Hill, you say? A. Yes sir.

Q And the other parties lived over thirty or forty miles from you? A. Yes sir.

Q There was no way of getting back and forth except by horse? A. No sir, except on horseback.

Q And there was no settlement between the Park Hill settlement and the settlement of going, snake where they lived? A. I expect there was, I just went going through there, I was going to Cincinnati.

Q When were you at Eli Wright's place, what you claim to be the owner of this woman before the war? A. I didn't stay very long.

Q How long did you stay? A. I was there one time.

Q When did you next see this woman after the war broke out? A. Why I never seed her any more until I came from Indian Territory up here on Big creek.

Q When was that? A. That was along in '67.

Q They haven't had a permanent place of living, have they, since the war? A. Yes sir, they had a log house put up.

Q Didn't they just live from place to place and town to town? A. Well, he did for a while, and then time he told me his wife was over on Brand river.

Q What makes you know it was just before Christmas, is it? A. You saw him down there? A. Because I know him, because I stayed with him to come take Christmas with me.

Q How long before Christmas was it, and what year after the war broke out? A. I don't know what year the war broke out.

Q How long before Christmas was it? A. I don't know what year the war broke out.

Q How long before Christmas was it? A. I don't know what year the war broke out.

Q What year, and how long before Christmas was it the treaty was made? A I know one thing, I know the people near where I was living told me that peace had been declared and the folks was all coming home and I packed up and lit out too.

Q Well, how long before Christmas was the treaty made, and what year? A. And I know right after that, in the near year after I came up there, that was when I seen him.

Q Who was living in Fort Gibson at the time you saw him? A. I can't tell you, there was a plenty of soldiers there.

Q Wasn't there some Cherokee families there, or colored families?

A There was one or two colored families there, I can't tell you, it has been so long ago.

Q Lewis Daniels was living there? A Lewis Daniels was living around there somewhere.

Q And R. B. Nash was living there, wasn't he? A. I don't know.

Q W. B. Nash? A Yes sir, I believe he was, I believe he was living around some same place, but I don't know whether he was living in town or not.

Q You don't remember anyone living there except you saw Bolston Looney before, is that it? A. There is a man now lives right close to where there is a little hollow going down towards the river, that they call Vann.

(Commissioner) You say you knew this woman before the war? A. Yes sir.

Q Was she married to Bolston Looney then? A. I think she was, she had one child, I think she was married to him; I don't know for certain whether she was or not.

Q Where did you first know her certainly as Bolston Looney's wife? A I never knew her really as his wife, not till he came back here with her.

Q When did you first see her with him after the war? A That was in '87, and I can just going to tell you just exactly.

Q You saw him and her together at that time? A Yes sir, they were living together.

Q As mother and wife? A Yes sir.

Q Have you seen more or less of her ever since? A. Yes, I seen her off and on all the while since.

Q And all this time? A. Yes sir, they were living together.

Q He died about three years ago? A. Yes sir.

Q Have you seen them ever since as husband and wife? A. Yes sir, they been living ever since as husband and wife.

Q Now this George Murrell that you spoke of, who was his wife? A I think it was a daughter of Lewis Ross if I mistake not.

Q She was a Cherokee woman was she? A. Yes sir.

Q That the family of old Chief Ross? A Yes sir, if I am not mistaken he was her brother.

Q You think then George Murrell's wife was a niece of the old Chief?

A Yes sir, I think she is as well as I can recollect.

(Mr. Mallette) Didn't George Murrell build a fine house at Park Hill? A. Yes sir.

Q Was it brick or frame? A. I don't just recollect what the house was built of, it was a fine house.

Q It was the house R. B. Ross lived in now? A. Yes sir, I think it is.

(Mr. Davenport) Do you know where Bob Ross lives now? A Yes sir

Q Lewis Ross? Bob Ross, do you know where he lived? A Bob Ross was living at Canagah, the man I am thinking about now.

Q What made you answer Mr. Mallette that you thought the house George Murrell built was the house Bob Ross was living in now? A Maybe I didn't understand him good.

(Mr. Mallette) I asked you if George Murrell didn't build a fine house at Park Hill? A Yes sir.

Q You know about that? A. Yes sir.

Q Then I asked you if Bob Ross is living in that house now? A I don't

know where Mr. Ross is living now, I misunderstood you sir, I beg your pardon.

COMMISSIONER: The applicant is identified on the Kern Clifton roll, but not upon the roll of 1880 or upon that of 1896. It appears that she and her deceased husband were slaves in the Cherokee Nation at the beginning of the Civil war, and were the property of Cherokee citizens. They seem to have lived together at the time of the war, and to have gone into the State of Missouri. She claims to have returned to the Cherokee Nation about four weeks before Christmas, in 1866. The testimony at this point is somewhat conflicting. With a view to the application of her children, they have been identified in the course of the examination as her children, and it appears that their claim will depend upon the claim that may be established for their mother or father. It seems that the marriage between the applicant and her husband was lawful, they have been married, according to her testimony, since before the Civil war, and have lived together until his death, some three years ago. She will now be listed for enrollment as a Cherokee freedman on a doubtful card, for the further consideration of the testimony, and the final decision of the Commission will be made known to her at her post office address.

The Kern Clifton roll examined and the husband of Jane Looney identified thereon, page 173 No 4233 4234, Coowasecooee district, as Bosen Looney.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones

Sworn to and subscribed before me this 12th of June, 1901.

(signed) T. B. Needles,
Commissioner.

=====

I, Chas. von Weise, upon my oath state that the above is a true copy of the original.

Chas von Weise
Subscribed and sworn to before me this 28th of August, 1901.

[Signature]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cholosa, I. T. June 16th 1901.

In the matter of the application of Frances Smith for the enrollment of herself and four children as Cherokee freedmen; she being sworn by Commissioner E. B. Breckinridge, testified as follows:

- Q What is your name? A. Frances Smith.
Q How old are you? A. 44.
Q What is your post office? A. Okmulgee.
Q In what district do you live? A. Okmulgee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. My four children.
Q Have you a husband? A. Yes sir.
Q Do you want to apply for him? A. No sir, he is not a freedman.
Q He never married you under a Cherokee license? A. No sir.
Q How long has you lived in the Cherokee Nation? A. All my life.
Q Were you born in the Cherokee Nation? A. Yes sir.
Q Were you out during the war? A. Yes sir.
Q Give me your father's name? A. James Leoney.
Q Is he dead? A. Yes sir.
Q Been dead about two years had he? A. Yes sir.
Q Give me your mother's name? A. Jane.
Q Is she living? A. Yes sir.
Q When were you married? A. In 1880.
Q To? A. Robert Smith.
Q Have you a certificate of your marriage? A. No sir.
Q Is there some one here that knows that you and Robert Smith were married? A. Yes sir.

ROSETTA WHITMIRE called and sworn as a witness testified as follows for the applicant:

By the Commission:

- Q What is your name? A. Rosetta Whitmire.
Q How old are you? A. 30.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Is this your sister? A. Yes sir.
Q Is she married? A. Yes sir.
Q What is the name of her husband? A. Robert Smith.
Q He is a state man is he? A. Yes sir.
Q How long has she been married to him? A. 10 or 20 years.
Q How many children has she? A. Four.
Q Are they all the children of Robert and Jane Leoney, both of you? A. Yes sir.

By the Commission of the applicant:

- Q Give me the names and ages of your children? A. Alfred.
Q How old? A. 10 years.
Q Next? A. Susan B.
Q How old? A. 17 years.
Q Next? A. Lawrence.
Q How old? A. 7 years.
Q Next? A. Arthur.
Q How old? A. 3 years.
Q Are these children all living now? A. Yes sir.
Q Are they all the children of this husband? A. Yes sir.

Frances Smith 2.

Q None of your family are on the 1888 and 1896 rolls are you? A. No sir.

Q Are you on the Kern Clifton roll? A. Yes sir.

Applicant not on the 1888 and 1896 rolls.

By L. B. Bell, Cherokee Representative:

Q Where do you live now? A. I live on Big creek.

Q Have you lived here in the Cherokee Nation for the last 30 years?

A Yes sir.

Q Not been out and lived in Kansas or Arkansas? A. No sir.

By the Commission:

Q Did you come back with your mother after the war? A. Yes sir.

Q Where from? A. Springfield, Missouri.

Q Have you lived in the Cherokee Nation ever since? A. Yes sir.

By Bell-

Q When did you leave Springfield, Missouri? A. As near as I can remember must have been in '88, I don't know, it was when my mother and father came through.

Q You was too small to know much about it? A. Yes sir.

By the Commission:

Q Your name is on the Kern Clifton roll as Wright? A. Yes sir.

Q How did it happen to be there as Wright? A. My father gave it in that way because my mother belonged to Eli Wright.

The Kern Clifton roll examined and the name of the applicant found as follows:

Page 178, No. 4286 Francis Wright, Geowococowee district.

Applicant not found on the Wallace roll.

By Com'r Breckinridge,-

The applicant applies for herself and four children; she is 44 years of age and she is not found on the rolls of 1888, 1896 or the Wallace roll; she is identified on the Kern Clifton roll; she states that she was born in the Cherokee Nation prior to the war and that she is the child of Bessie and Jane Leoney; her grandmother, and grandmother, which she claims through her mother, is set forth in the case of Jane Leoney et al an Cherokee Freedman beautiful card set. Her change of name arising from marriage is established in a satisfactory manner. She states that she came back to the Cherokee Nation with her mother at the close of the Civil war, and that she has lived in the Cherokee Nation ever since that time. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card and for the further examination of her status there will be filed with her application a copy of the testimony in her mother's case before cited. As for the four children named in the testimony, none of them are identified on any roll; they are said to be living and are minors when the Commission is applied with application at

No 3.

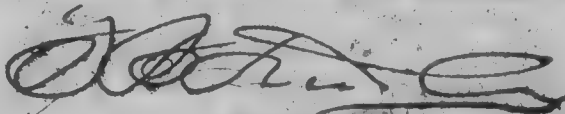
these four children they also will be listed for enrollment with her on a doubtful card as Cherokee freedmen. The final decision in regard to all these applicants will be made known to her at her post office address. She makes no application for her husband, whom she states is a white man and who was not married to her under a Cherokee license.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 30th of June, 1901 at Nowata, I. T.



Commissioner.

F. D.

635-

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this.....
day of A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190....

Subscribed and sworn to before
this

Notary Public.

Proof of Service made
and original filed with the
DAVES COMMISSION.
FEB 12 1902

NOTICE!

IN THE MATTER OF the application of Frances Smith et al
for enrollment as Cherokee Freedmen:
Case No. F. 635

To Frances Smith, Atchison Kansas.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on FEB 17 1902 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this FEB 4 1902

L. B. Bell

W. W. Hastings

J. J. Davenport
Attorneys for the Cherokee Nation.

"R"

File with C. F. D-

635, Frances Smith.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY OF PEOPLE OF CHEROKEE NATION in the
matter of the application of Jane Looney for enrollment as a Cherokee Freedman, D#597.

Appearances:

Jr. Smith, of Bellette & Smith, Vinita, I. T., Attorneys
for applicant;
W.W. Hastings, attorney for the Cherokee Nation.

FRANK PEERMAN, being first duly sworn and being examined
testified as follows:

BY W.W. HASTINGS:

- Q What is your name? A Frank Peerman.
Q How old are you? A 65 years old.
Q Where do you live? A Atchison County, Kansas.
Q How long have you lived in that County? A Since January '58.
Q Did you know a colored woman up there in Atchison County Kansas
by the name of Jane Looney? A I did.
Q Did you know her husband? A I did.
Q What name did her husband go by? A Andy Looney.
Q Did you know any of Jane's children? A Yes, I know Frances.
Q What is her present name? A Smith.
Q What was her husband's first name? A I did not know that.
Q Did you know any of the rest of her children? A Why, I have seen
several of them, I have no particular knowledge, they have worked
around for my daughter and myself some but I have no particular knowl-
edge of the other two of them.
Q What are the others named do you know? A Really I don't know
how many children she has got.
Q I mean of Jane Looney? A Oh I thought you were speaking about
Frances. Jane Looney yes, I know Frances is her oldest daughter,
and the oldest boy was born on the place where I live now, Jerry,
he was born in '64.
Q You mean in '64? A Yes sir.
Q Well what is the next one? A There was a John, there was sev-
eral children after they left our neighborhood, I don't know how
many they had after they moved to Atchison, there was a Ellen,
there was a George, and there was a John, then three I heard of,
not personally knowed them either.
Q Her husband there was known as Andy Looney? A Yes sir.
Q When did you first learn to know this man and woman in Kansas?
A It was either in '63 in the fall or in the spring of '64, I won't
be positive, but it was either one of those times.
Q Where did they live in '64? A On the place I own now.
Q How long did they continue to live there? A Until spring of
'67.
Q Continuously all the time? A Continuously all the time, farmed
the place.
Q Where did they go in the spring of '67? A They moved to a place
right adjoining it on the east where old man Tilman built a little
cabin there, they lived there two years.
Q That would be the spring of '69? A Yes sir.
Q Then where did they go? A Then in the spring of '69 they moved
on the place right north of me.
Q How far from you? A The house not being more than about 40
rods from where I live now.
Q How long did they live there? A Two years.
Q That would bring it up to '71? A Yes sir.

Q Then where did they go? A They moved to Atchison.
Q How far is that? A 5 or 6 miles, we call it 5 or 6 miles.
Q Did you see them after that? A I saw them 15 years after that, positively and I might say 20, but 15 years anyhow; I saw Andy Looney in '92 the last time and had a long talk with him; he was fencing ground for my daughter.
Q Did you see him frequently after he went to town? A Yes sir.
Q You know when he left up there? A No.
Q You say '92 is the last time you positively remember seeing him? A Yes sir, I had no ~~business~~ dealings with him; that is the last time I talked with him and I didn't know he had gone until here a few years ago.
Q How about Frances Smith? A She lived there in Atchison.
Q Does she live there now? A She lived there now, her husband's working there and the family is there.
Q When is the last time you saw her? A Well I have not seen Frances for several years, because I have no dealings or no need of seeing her, but I have seen her children, I saw one of her children that worked for me this winter up until January.
Q Until this last January? A Yes, this last January last month, and he worked for my daughter the last month.
Q What is that child's name? A Fred Smith.
Q Do you know John Looney or Henry Looney of these boys? A I know Henry, because he was born on my place and I have seen him since, he is now in the penitentiary.
Q What is he in the penitentiary for? A Killing his wife.
Q Did you know any of the rest of these boys living up there now? A There is one by the name of John, but as I have no business with him I see him and that is about all, I have no personal knowledge of him much.
Q Now you said they left there and went to Atchison about '71? A Yes, to the City of Atchison.
Q You say you had occasion to meet them frequently? A Yes sir, often.
Q Did they ever do any work for you after '71 until '92? A Not for me, but my son-in-law, he would do little things in the garden and take care of the house and I would see him, - saw wood; any little thing like that.
Q You know where they were living? A Oh yes.
Q You saw their house? A Oh yes sir, many a time.
Q How far were they living from your son-in-law? A Not more than a quarter of a mile, my son-in-law lived in the south Atchison and they lived in South Atchison, about a quarter of a mile.
Q Well then from about '63 or '4 up until '71 they lived out there either on your farm or the adjoining farm? A Right close adjoining and many a day he has worked for me.
Q What is your business? A Farmer.
Q Are you a farmer yet? A Yes sir.
Q You live on the same place? A Yes sir.

BY MR. SMITH:

Q Mr. Neerman, how long have you lived in Kansas? A Since the winter, since January '58.
Q The people you talk about are people you first became acquainted with in '63 or '4? A Yes sir.
Q Which was it? A The Looney family? they consisted of Andy Looney his wife Jane, and the daughter Frances, about 6 or 7 years old, and the child Henry was born on the place where I live; they had a cabin, and he was born there.
Q Do you know which year it was, whether it was '63 or '64? A I am not positive, but it was not later than that.
Q Now you say the husband of this woman was called Andy? A Andy Looney he went by, yes sir.
Q How long has it been since you saw the Jane Looney to whom you refer? A Oh it has been a good many years, I couldn't tell you when;

Of course she didn't get out Mike her husband Andy and the sons so I could see her and I had no business with them and I didn't hunt her up.

Q You know whether Andy Looney is living or not? A I understand he is dead.

Q When did you last see him? A Last time I saw him was in the summer of '02 that I saw him personally and talked with him in Atchison, Kansas.

Q He was living there then? A Yes sir.

Q You don't know whether the people that applied here for admission are the same people you know at all? A I don't know anything about that at all.

H. C. KING, being first duly sworn and being examined testified as follows:

BY E. EASTBROS:

Q Give the stenographer your name, please? A H. C. King.

Q How old are you, Mr. King? A 41 years old.

Q Where were you born? A Atchison County, Kansas.

Q You lived in that vicinity all of your life? A No sir, not all the time.

Q Where do you live now? A I live in Atchison County.

Q Where were you living when you were 7 or 8 years of age? A In Atchison County.

Q Did you ever know a colored family up there by the name of Looney? A I know her.

Q You know what the woman's name was? A I don't remember every one, what her name was.

Q Don't remember? A No, not her name particularly.

Q Did you remember his name, Andy? A He was known as Andy Looney.

Q Did you know any of his children? A I remember one named Henry Looney.

Q What became of him? A I learned that he was in the penitentiary from what I heard.

BY R. SMITH: I object to that.

Q You don't know only what you have heard? A Just what I have heard there in town, it has been several years since I heard it.

Q Did you know any of the rest of the family? A I know two now, there's two now that I remember that I know, John Looney and Frances Smith.

Q Where does John Looney live now? A In Atchison.

Q When did you last see him? A Last Saturday about one o'clock.

Q You know whether he is single or married? A He is married I understand.

Q You know whether Frances is single or married? A She is married.

Q You know where she lives? A Yes sir.

Q Where? A She lives 715 W. Street, Atchison.

Q You know what her husband's name is? A I knew of him as Doctor Smith.

Q They live there in Atchison? A Yes sir, that is my understanding. I am not acquainted with the man.

Q Were you at her house? A Yes sir.

Q Therefore you are correct as to her place of residence? A Yes sir.

Q How was this Looney family that you knew, this man and woman, the father and mother of these children John and Henry and Frances?

A That has always been my understanding, that they were the children of the family.

Q You know that like you know anything else in the neighborhood?

A Like I know anything, yes sir.

Q When did Andy Looney and his wife leave that country? A I couldn't say for certain about that, I heard of them leaving about

Q '96, I had been away from Atchison and came back in 1896, I had been away about 12 or 13 years.

Q You did not leave Atchison County? A I did leave Atchison County in '83 I think it was '83 or '84.

Q You know whether these Looney's that you speak of were living in '83? A They had been living in Atchison last I knew of them before that, I didn't know just where they was in '83.

Q How long had you known them to be living around in Atchison? A I would judge about 15 years anyhow, something like that.

Q Continuously? A As near as I could learn, occasionally I would see them.

Q You left there about '83 or '84 and came back in '96 and they were gone? A Yes, that is I learned they were gone, I lost track of them anyway. I wasn't particularly acquainted with the younger ones, I remembered Henry as a boy, he wasn't much younger than I was.

Q You don't remember as far back as '66, you are too young? A Well I couldn't say as to the date when I got acquainted with them, but I know when I moved out of the neighborhood in which they lived, the old neighborhood, that was in the fall of '70, I lived about two miles for several years, probably from '85 to '90, within about two miles of J. Neeman, and they lived right in the Neeman neighborhood, either on his place or the Tilman place, I know about where they lived.

Q That is as far back as your recollection extends? A Yes sir, they afterwards moved to Atchison? A Yes, I have seen them around Atchison and I understood that they lived there.

BY MR. SMITH:

Q How long did you stay where you were? A 41 years old.

Q You don't remember the name of Andy Looney's wife? A No sir.

Q How many children do you remember? A I don't remember left one particularly, when they were small children.

Q You can only give the name of one child? A That I remembered at that time, when I was a boy.

Q How when you first knew these people that you speak of you were how old did you say, seven years old? A I was from 6 to 10.

Q Somewhere in there, I knew them before I was 10 years old I remember, I lived in the neighborhood with them.

Q Where did you last see any of them? A I saw one that I got acquainted with, John Looney in late years I saw him in Atchison last Saturday.

Q How long have you been living in Atchison County? A 6 years this last time, or about 6 within a month or two of it.

Q You were away awhile? A I was away from Atchison County some 12 or 13 years.

Q Where were you then? A I was in Jefferson County about 10 years and in Oklahoma about 2 years or such a matter.

Q You knew Andy Looney's wife did you? A I knowed her when I was a little shaver.

Q How long has it been since you saw her? A I don't know that I have seen her since in the neighborhood of '70 possibly, along there somewhere, I couldn't say positively.

Q You were there weren't you up until '87? A Not in that immediate neighborhood, they moved out of that neighborhood to town.

Q How far was it to town? A Well it is 4 or 10 miles.

Q And you have never seen her from that time to this? A Not that I know of.

Q You don't know whether it is the same Jane Looney or whether that is the woman that is an applicant in this case or not? A I could not say about that.

Q Was that a thickly settled community in there where they lived in that country? A Pretty thickly settled, yes.

Q Good many people live in Atchison? A Yes sir, along about 15000.

BY COMMISSION: This testimony will be filed and made a part of the record in the following Cherokee Freedmen Doubtful Cases: 635, 637, 639, 640, 643 and the case at bar, 897. (Also filed in B102)

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

M.D. Green

Subscribed and sworn to before me this February 24, 1902.

[Signature]

Commissioner

Cher Fr D 636

Cher Fr D 636

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 10, 1901.

In the matter of the application of WILLIAM TOWNSEND for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A William Townsend.
Q How old are you? A 24.
Q What district do you live in? A Coowasee.
Q What is your post-office address? A Chelsea.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody.
Q Is your name upon the authenticated roll of 1880? A No sir.
Q Upon the census roll of 1896? A No sir.
Q Is it upon any of the rolls of the Cherokee Nation? A Kerns-Clifton and Wallace.
Q What is your father's name? A William Townsend.
Q Is he living? A No sir.
Q What is your mother's name? A Phoebe Melton.
Q Is she living? A Yes sir.
Q Has she been enrolled? A Yes sir.
Q Where were you born? A Saline District, Cherokee Nation.
Q Have you lived there all your life? A Yes sir.
Q Are you married? A Yes sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Has your wife been listed for enrollment? A Not yet.
Q Why don't you apply for her? A I thought I would leave that for her to do herself.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 120 #2983 Will Townsend, Delaware District.
Wallace roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.

Examined by Cherokee Rep'v W. W. Hastings:

- Q Was Phoebe Melton a Ridge? A I think she was.
Q That was her maiden name? A Yes sir.
Q Where were you born? A On Lynch's Prairie.

Com'r Needles: William Townsend applies for the enrollment of himself; his name is not found upon the authenticated roll of 1880 or the census roll of 1896, but he is duly identified upon the Kern-Clifton roll according to page and number as indicated in the testimony; satisfactory proof of residence is made; he avers that he is a child of Phoebe Melton, who was listed for enrollment on D card 589, and the testimony taken in the case of Phoebe Melton will be made part of the testimony in the case at bar, and a copy of same will be filed herewith; he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, - he will be notified by mail of the decision of the Commission when arrived at.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 17, 1901.

W. W. Hastings

Commissioner.

To be filed in C.F.-D. #636, William Townsend.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 10, 1901.

In the matter of the application of Nelson Ross for enrollment as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant.

W. W. Hastings, of counsel for Cherokee Nation.

Nelson Ross, being duly sworn and examined by Commissioner

Needles, testified as follows:

Q What is your name? A Nelson Ross.

Q How old are you? A 32.

Q What is your postoffice address? A Wimer, Ind. Ter.

Q What district do you live in? A Cooweescoowee.

Q Are you a recognized citizen of the Cherokee Nation? A Not on the 1880 roll.

Q Are you on any of the rolls? A Kern-Clifton roll.

Q Who do you want to enroll besides yourself? A Just myself.

Q What is your father's name? A Moss Ross.

Q Is he living? A No, sir.

Q What is your mother's name? A Nancy Ross.

Q Is she living? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.

The Kern-Clifton roll examined, and the applicant identified thereon, page 152, No. 3760, Cooweescoowee District.

Q Your name on the Wallace roll? A I didn't draw the money, it is on the roll.

Q Where were you born? A Cherokee Nation.

Q Lived in the Cherokee Nation all your life? A Yes, sir.

Q Moses Ross who has been enrolled here, he is your father, is he?

A No, sir, my father is dead.

Q It was Nancy Ross? A Yes, sir, Nancy Ross.

Q She has been listed for enrollment, has she? A Yes, sir.

Mr. Hastings: You have lived in Iola, Kansas, haven't you?

A I have been to school in Iola, Kansas.

Q When you were first old enough to remember, where were you living? A On Grand River.

Q What place on Grand River? A Moss Hardrick's.

Q How long did you live with Moss Hardrick? A I lived there quite a while, I don't know how long.

Q Was he the same Moss Hardrick who testified in your mother's case?

A He is my mother's brother.

Q Did you live there more than a month? A I guess I did.

Q How long did you live there? A I lived there several years.

Q Continuously? A Yes, sir, in the neighborhood, at his place, on his place.

Q Was your father living then? A Yes, sir.

Q At that time? A Yes, sir, my father lived there.

Q At the same time you were living there? A In my early childhood, that is where he is said to have lived.

Q Was your father living there when you lived there? A Yes, sir.

Q All the time? A He didn't live right there all the time. He lived there at several places around there, Hayfields and the Lynch settlement.

Q How old were you when you lived with Moss Hardrick? A I can't know, when I first recollect I was living there.

Q And how old were you when you left there? A I don't know that either.

Q There about how many years? A Must have been 12 or 14 years.

- Q Were your father and mother living there at the same time? A Not just at that one place.
- Q Where were they living? A Living around there on the river several places, they lived at Mr. Mayfield's some.
- Q Tom Mayfield? A Old man Mayfield's, Charlie Mayfield's, some time and the Lynch settlement.
- Q Did your father have a house down there? A They lived in a house.
- Q On whose place? A On my uncle's place.
- Q What was his name? A Mose Hardrick.
- Q They lived in a house on his place? A Yes, sir, lived right there with them.
- Q How long? A I can't tell you.
- Q In the same house Mose Hardrick lived in? A Part of the time.
- Q Did they live in a separate house? A There is two houses right there close together.
- Q In the same yard? A Right in the same place, yes, sir.
- Q Were the houses in the same yard? A Yes, sir, the houses were adjoining.
- Q How long did they live there? A I can't say, I didn't keep no count, I never thought of it; in fact I wasn't able to.
- Q When did you go to Kansas first? A When I went to school I don't recollect when I first went to Chetopa.
- Q How old were you? A I can't tell you that either.
- Q When did you first go to Iola, Kansas? A I went there sometime in 1880.
- Q You have lived there ever since? A I haven't.
- Q Where have you been living? A I have been living right here.
- Q Where? A On Grand River and on Big Creek.
- Q Since 1880 who have you lived with on Grand River? A I haven't lived with nobody in particular, I have been staying some with Charlie Mayfield, and sometimes with Dick Hardrick, and sometimes I have been in Vinita with Dick's sister.
- Q Where was your mother at that time, since 1880? A She was in the Territory.
- Q Where? A On Grand River, and partly on Big Creek.
- Q Well, when did you go to Big Creek? A I don't know, sometime about '91 or '2 the first time I was on Big Creek.
- Q Where was your mother at that time? A I don't know.
- Q She was in Iola, Kansas, wasn't she? A She wasn't, she was up on Grand River; I never stayed with my mother all the time.
- Q She stayed over around near this Mose Hardrick that testified for her? A Yes, sir, right out in the Lynch settlement.
- Q She stayed out there till '91? A No, she didn't, because she was over on Big Creek, had her things up there long before I was over there.
- Q Where did you live on Big Creek, who are your neighbors? A Hudson.
- Q Peter Hudson? A No, sir, William Hudson, Abe Hare, are my neighbors, and Alonso Ward.
- Q I want to know definitely when you went to Big Creek, when you went to Big Creek to locate permanently? A I didn't locate permanently till '95.
- Q You have lived there permanently since '95? A Yes, sir.
- Q How much of the time before '95 have you spent in Kansas? A Very little of the time.
- Q How much of it? A I must spent several months there attending school.
- Q Where? A Several places, in Arkansas City, Kansas, I have gone to school.
- Q How long did you stay there? A Some seven or eight months.

Q Where else did you go? A Iola, Kansas.
Q How long? A Several months.
Q About how long? A I can't tell you, I went several terms.
Q Your mother was living there at the time? A No, sir, she wasn't.
Q And your father died? A No, sir.
Q Your father died in Kansas? A Yes, sir.
Q Where? A Fort Scott.
Q Where else did you go to school? A I went to school some at Parsons, Kansas.
Q Now you are willing to testify here, outside of the times that you went to school in Kansas, that you never lived there? A Why I lived there of course while I was going to school.
Q I say outside of that? A Yes, I am willing to testify it, I am testifying it.
Q You located up on Big Creek in 1895? A About that, yes, sir.
Q Where did you go from? A I went from Vinita over to Big Creek.
Q How long did you live in Vinita? A I don't know, I had been there a great deal, I had no home to live in before I went on Big Creek.
Q Who did you live with at Vinita? A I stayed right in the city there with Eliza Lynch, some calls her, a cousin of mine, Mose Hardrick's daughter.
Q How long did you stay with her? A I stayed with her several months.
Q What were you doing over there? A I was doing what I could get to do.
Q Working for anybody? A Yes, I worked there some.
Q Who for? A Several people.
Q Name some of them? A Old man Hunt for one.
Q Joe Hunt? A The implement man, and several people there, worked for Cal Fields, Calvin Ross his name is.
Q Were you ever married? A Yes, sir, I am married now.
Q Where did you marry? A Married on Big Creek.
Q Who did you marry? A Maggie Waite.
Q When did you marry? A In 1897.
Q Were you ever married before? A No, sir.
Commissioner: Has your wife been listed for enrollment? A Yes, sir, she is already enrolled.

Commissioner: Nelson Ross applies for the enrollment of himself. From an examination of the 1880 authenticated roll and the census roll of 1896, his name cannot be found, but he is duly identified upon the Kern-Clifton roll. He avers that he is the son of Nancy Ross, who has been listed for enrollment on doubtful card No. 451, and reference is made to the testimony taken in said case, which will be made part of the record in the case at bar, and a copy thereof will be filed herewith. Now the said Nelson Ross will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 18th of June, 1901.

(Signed) F. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8, 1901.

In the matter of the application of Nancy Ross for the enrollment of herself and two children as Cherokee Freedmen.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

NANCY ROSS, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Nancy Ross.
Q How old are you? A I don't know how old I am.
Q About how old? A About up in the sixties.
Q What is your postoffice? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q Have you any children that are under 21 years of age that are not married? A Yes, sir.
Q How many? A Two.
Q What are their names? A Arthur and Emma.
Q How old is Arthur? A He is 20.
Q How old is Emma? A Emma is 18.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A The Clifton roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton Roll examined, and the applicants identified thereon as follows:

Nancy Ross on page 152, No. 3764, Cooweescoowee District.
Arthur Ross on page 152, No. 3765, Cooweescoowee District.
Emma Ross on page 152, No. 3765, Cooweescoowee District.

- Q Why is your name not on the roll of 1880, do you know?
A I don't know.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A Lewis Ross.
Q Have you got any witnesses in your case? A Yes, sir, Frank Ross and Amy Ross and Mose Hardrick.
Q Where were you born? A Born at the Rosses, born on Ross place.
Q Was Lewis Ross a Cherokee citizen? A Yes, sir.
Q Well, did you go out of the Cherokee Nation during the war between the north and south? A Went out when the war broke out.
Q Where did you go to? A Went north.
Q Where did you go to, Kansas? A Yes, sir.
Q You were in Kansas during the war? A Yes, sir.
Q When did you come back to the Cherokee Nation? A Come back in '66.
Q You been living here ever since? A Ever since, yes, sir.
Q Where did you come to when you came back? A Came back to Russell Creek.

Mr. Mellette: Who came with you? A My husband and my children, myself and another woman, who lived in the Creek Nation, came down with us.

Commissioner: What was your husband's name? A Mose Ross.

Q Is he living? A No, sir, he is dead.

Q Have you been married since his death? A No, sir.

Mr. Hastings: You just came back with your husband and your own family? A And another family, man and wife, John Rentie and his wife and two children.

Q You came to Russell Creek? A Yes, sir.
Q How long did you stop there at Russell Creek? A Stopped there that spring and fall after I came down.
Q Did you make a crop up on Russell Creek? A Not any more than little garden stuff.
Q Built a little house? A Yes, I built a little house.
Q Put in a crop of corn? A No, didn't put in any corn.
Q Did this other family stop with you? A Yes, sir, they stopped.
Q How many children did you have at that time? A Four.
Q How many children did this other man have? A Two.
Q Had you ever been to Russell Creek before the war? A If I was I didn't know it.
Q Had your husband? A I don't know whether he had been.
Q Where did you meet your husband first? A We both belonged to Ross; met him at Rosses.
Q You know that he lived there at Rosses when the war came up?
A I don't know where the men went, nothing about the men's affairs.
Q The Rosses lived down about Tahlequah? A The Rosses lived at the old Asylum, Lewis Ross, there is where I was raised.
Q That was fifty or sixty miles from Russell Creek? A I don't know how far it was.
Q How far did you locate from Chetopa? A I don't know nothing about Chetopa, I never heard of Chetopa.
Q Didn't you come through that town when you moved to Russell Creek?
A Never saw the town.
Q Did you apply to the Kern-Clifton commission five years ago?
A I applied when they had the roll.
Q About how many acres did you have in that little patch? A I don't know; just a small little place.
Q Four or five acres? A I don't know whether that much or not, I raised the garden stuff and a little hominy corn, just a little patch.
Q Where did you come from? A Came from Fort Scott.
Q What time of the year did you leave Fort Scott? A In April.
Q Well, was Sam Webber up there at Fort Scott when you left?
A Took no notice who was there, there was a good many people of all nations and all colors and all kinds, I don't know who was up there.
Q Do you know him? A I didn't know him, he might have been there.
Q You know Uncle Nelson Murrell; he had left up there, hadn't he?
A I don't know whether he was there or not, the people was up in all parts of the town, I stayed down in the part by the old mill, and there was people camped all around there.
Q You had heard about the treaty passing when you came down?
A I never heard a thing of the treaty.
Q Never heard about it at Fort Scott? A No, sir.
Q Well, after you went over the Kansas line did you go on Russell Creek? A I don't know.
Q What time did you leave Russell Creek? A I left there in the fall after I stayed all the fall.
Q About what time in the fall? A Well, I guess it was along about the last part of the fall when I left there.
Q About Christmas time? A A little before I think.
Q Where did you go from there? A I went to the river.
Q To Grand River? A Yes, sir.
Q Well, you saw Allen Lynch down on the river? A No, I went to their brothers.
Q Mose Hardrick? A Yes, and Jeff Lyons.
Q Was Jeff Lyons living down there? A Yes, sir, he was living down there, my oldest brother.

- Q Who else was living down there? A Tom Moore.
- Q Who else? A Uncle Simon Lynch.
- Q How long did you stay down on the river? A I only stayed there three weeks.
- Q Where did you go from there? A I went to Vinegar Creek.
- Q Where is Vinegar Creek? A It is up above Russell Creek I reckon, it is away up towards Coffeyville on away up above that somewhere.
- Q Then you went there in the early spring of '67? A I went up to Vinegar Creek that winter, I just left Russell Creek and went to the River and stayed three weeks and then went to Vinegar Creek that winter.
- Q Who did you see while you were on Russell Creek? A I saw an old white man there said his name was Hannah.
- Q Did he have a house up there? A Yes, sir.
- Q How far were you from the State line on Russell Creek? A I don't know where the state line was.
- Q How came you to locate up there away from everybody? A Well, I guess my husband wanted to go up there and locate, he was the one, I wasn't locating, it was him.
- Q Did you have a spring up there? A Got water out of the Creek.
- Q On which side of Russell Creek did you live? A Lived on the west side; it was Vinegar creek.
- Q I mean on Russell Creek, when you first came there? A Lived on the south side of Russell Creek.
- Q How far from the railroad? A Wasn't any railroad there.
- Q Where did you get anything to eat all that spring and summer? A Don't you suppose we brought victuals with us; how do you reckon we could make out until we raised a little hammy and things?
- Q Tell us the best you can where that was on Russell Creek? A I lived just about a mile I guess south of the road.
- Q Of what road? A On Russell Creek, south of the road there.
- Q Of the military road? A I don't know whether it was or not.
- Q A big road? A Yes, sir, I don't know whether it was a military road.
- Q And you stayed there the year '68? A Yes, sir, I was there from the spring to fall.
- Q Did you see anybody at all while you lived there? A Never saw anybody except the folks lived with us, only Art Williams stopped there and Uncle Simon Lynch stopped there a time or two.
- Q And that is the only ones you saw? A Yes, sir.
- Q You never went to visit your brother until the fall? A Yes, sir.
- Q And they never visited you? A No, sir.
- Q Never saw anyone pass there except those two you mentioned? A I never noticed who passed the road and who didn't, a great many passed, during all the time I wasn't in good health, I was sick.
- Q How far did you locate on Vinegar Creek from the state line? A I don't know anything about the state line.
- Q Who was living up there when you went up there on Vinegar Creek? A A man by the name of Hannah; he pretended to be an Indian but he wasn't nothing but a white man and a rebel at that, and he was living there.
- Q Did he have any family? A He had a few children, and a wife, I guess it was his wife, I didn't have much to do with them.
- Q How do you know that he was a rebel? A I know he was a rebel, cause he talked and acted like one.
- Q He acted peculiar, did he? A Yes, he did.
- Q Did he have a family up there? A No, sir, I didn't see nothing but himself and wife.
- Q He had a house? A Yes, sir.
- Q How far was his house from you? A I don't know, it wasn't very far.
- Q Wasn't any colored people near you up there? A No, not where

I was.

Q You say that was up in Kansas? A No, I didn't say it was in Kansas.

Q What Creek does Vinegar Creek empty into? A I don't know; it must empty into your creek I reckon.

Q Is that as much as you know about Vinegar Creek? A Yes, that is as much as I know about Vinegar Creek.

Q Did you build a house up there? A Yes, built a house up there.

Q How far was that from Coffeyville? A I don't know.

Q Were you ever at Coffeyville? A No.

Q You wasn't? A Not when I lived there.

Q Know who was your nearest colored neighbors up there? A My nearest colored neighbors at that time, there wasn't any there as I know of then, but after a while my husband went out and said Uncle Nelson Murrell lived about three miles up there, but I didn't go over there, I was sick all the time.

Q You didn't see him for a long time after you went up there?

A No, sir.

Q Did you see him for about five years? A I don't know whether it was five or two, I was sick all the time, I wasn't studying anything about him.

Q Did you have any doctor? A No, sir.

Q Do you know one year from another? A I guess I do, I guess I got about sense enough to know winter from summer.

Q What year was that oldest child born? A Born in '57 they say, in the records.

Q What year was the Wallace court sitting here? A I don't know what year they set here.

Q What year did the Kern-Clifton Court sit? A I don't know that either, I know I was there.

Q You had to prove up before them? A Of course I had to prove up before them.

Q You don't remember it at all? A No, I don't remember what year it was, it was three or four years ago I guess, I was there.

Q Do you know what year this is? A No.

Q Where did you apply to the Kern-Clifton Commission? A Out here.

Q By the name of Nancy Ross? A Nancy Ross.

Q You applied for yourself? A Yes, sir, and children and grandchildren.

Q What are your children's and grandchildren's names, all Ross?

A Yes, sir, all Ross.

Q When did Mose Ross die? A Died in 1886.

Mr. Mollette: Nancy, you say that Mose Ross, your husband, returned with you in 1868 to the Cherokee Nation? A Yes, sir.

Q Now I want to ask you about your children, I want to identify them so they can come in and appear for themselves. Did you have a son named Ned Ross? A Yes, sir.

Q Was he born before the war or after? A Born before the war.

Q Did he return to the Cherokee Nation with you? A Yes, sir.

Q Did you have a son named Cyrus? A Yes, sir.

Q Was he born before or after the war? A He was born before the war.

Q Did he return to the Cherokee Nation with you? A Yes, sir.

Q What was your next child? A Kissie.

Q Was she born before the war? A Yes, sir, she had a baby when I went out.

Q Did she return to the Cherokee Nation then? A Yes, sir.

Q What was your next child? A George.

Q When was he born? A He was born in Kansas during the war.

Q Did he return to the Cherokee Nation with you? A Yes, sir.

Q Did you have a child named Martha? A Yes, sir.

Q Where was she born? A On Russell Creek.

Q After you returned? A Yes, sir.

Q What is your next child? A Nelson.

Q What is the next Harry.

Q Where were Nelson and Harry born? A Harry was born on Grand River and Nelson was born on Vinegar Creek.

Q Was that after you returned to the Cherokee Nation after the war?

A Yes, sir.

Q What was the next child? A Mary.

Q And the next one? A Arthur.

Q And the next one? A Emma.

Mr. Hastings: Did they ever call you Nancy Grubbs? A Yes, sir, I have been called Nancy Grubbs.

Q Don't you live in Iola, Kansas? A I have been in Iola, Kansas, yes.

Q When was the last time you were there? A I was there last winter, right there.

Q You have been living there, have you? A Well, I was up there working, I am not living there.

Q Well, how long have you been working up there? A I go up and work a month or two or two or three months if I want to.

Q Where did Mose Ross die? A He died in Fort Scott.

Q You were living in Fort Scott at the time? A No, I was living here, he went up there.

Q Where was your home here then? A I was on the river then.

Q In what settlement? A In Mose Hardrick's settlement.

Q You had a place down there? A No, I didn't have no place, I was just stopping there, but his health was poor.

Q Did you have a child named Kissie? A Yes, sir.

Q Where was Kissie born? A Kissie was born at the old asylum before the war.

Q Did you have a child named Martha? A Yes, sir.

Q Where was Martha born? A Born on Russell Creek.

Q You had a child named Nelson? A Yes, sir.

Q Where was Nelson born? A Born on Vinegar creek.

Q You had a child named Harry? A Yes, sir.

Q Where was he born? A Born at my brother, Jefferson Lyon's.

Q You had a girl named Mary? A Yes, sir.

Q Where was Mary born? A She was born at Mose's.

Q Where was your husband most of this time? A He was there of course, he never died till after the children was all born.

Q Is Arthur your child? A Yes, sir.

Q Where was Arthur born? A Born at Uncle Simon's.

Q You were just living about from place to place? A Yes, sir.

Q Where was Emma born? A She was born at Uncle Simon's too; I got two children born at Uncle Simon's.

Q How long was Emma born before your husband's death? A Well I guess she was about two years old, over two years old.

Q Did you take these children back to Fort Scott when your husband died? A No, sir, none but the baby.

Q Where were the rest of these children at that time? A Living there at my brother's.

Q Which one? A Mose and Jeff; left them children with my folks; some was at Mayfield's, my cousin.

Q When did your brother Jeff die? A I don't remember.

Q Did he die before your husband? A No, sir, he didn't.

Q Did he die after 1880? A I don't know whether he died in 1880 or then, he didn't die before my husband.

Q You got a son named George? A Yes, sir.

Q Where was George married? A I don't know where he was married.

Q What is his wife's name? A He had a wife named Josie he said; my boys isn't with me.

Q Where were they? A I don't know where they were.

Q Wasn't George up in Kansas? A He might have been in Kansas, or any other place, I don't know where he was.

Q He wasn't with you when he married? A No, sir.

Q Have you seen his wife? A No, I haven't seen his wife.

Q Where is he living now? A I don't know.

Q Where is Martha now? A She is dead.

Q Where is Nelson? A He is here.

Q Where has Nelson been living? A On Big Creek.

Q Where did he go to on Big Creek? A He can answer that himself.

Q When did he leave you? A He left me off and on when he went to school.

Q Where did he go to school? A Some in Fort Scott and some in Parsons.

Q That is while you were living up there? A No, I wasn't living up there.

Q Where did you live now, after your husband died, in 1880? A In 1880 I was living on the river.

Q When did you first go back to Kansas? A I don't remember when I first went back; whenever I took a notion to go back, I took up and go; whenever I wanted to make some money I would pick myself up and go, go to the train and buy my ticket and go; I went in the day and I come in the day; I thought as I was a free woman I could do as I pleased.

Q Do you know where George's children were born? A If George has got any children I don't know it.

Q Who are these children you apply for? Daniel and Roy and Beadie and Lewis? A Daniel and Roy belongs to his.

Q Where does Kinzie live? A She is living here, I guess, the last time I saw her a year ago she was in Vinita.

Q How long had she been living at Vinita? A I don't know, I just went down to Vinita and saw her.

Q You don't know where these children were born? A No, sir.

Q Where was she married? A I don't know.

Q What is her husband's name? A She has got a statement.

Q Don't you remember she married in Fort Scott? A I don't know where she married.

Q What is his full name? A I think his name is Taylor, is all I ever heard.

Q You never did have a home here? A Never did till now, I have got a home.

Q Were you living in a house in Fort Scott when your husband died? A No, I wasn't living in a house.

Q What was you doing up there? A Took him there, he was sick; the same doctor that doctored him during the war was there.

Q He has doctored him ever since the war, too, hasn't he? A No, sir, he hasn't.

Mr. Mellette: What did you say about where you have lived since you came here in '80; where has been your home? A Just first one place and another, on the river.

Q What country has been your home? A The whole country has been my home.

Q What country has been your home? A The Cherokee Nation.

Mr. Hastings: Objected to by the representatives of the Cherokee Nation, because it is a legal question; ask her where she has lived. Let the facts develop where her home is.

Mr. Mellette: What country have you lived in since you came here in 1880? A Cherokee Nation.

Mr. Hastings: You have lived in Kansas too, haven't you? A I was living up there when I was only working; you don't suppose I was dead, do you.

MOSES HARDWICK, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mallett: What is your name? A. Moses Hardwick.

Q. What is your age? A. 71.

Q. Where do you live? A. Up here on Pryor Creek.

Q. Do you know the applicant, Nancy Ross? A. Yes, sir.

Q. What relation is she to you? A. My sister.

Q. Do you know whether she was a slave in the Cherokee Nation before the war? A. Yes, sir.

Q. Who owned her? A. Lewis Ross.

Q. A Cherokee Indian, was he? A. Yes, sir.

Q. Do you know when she returned to the Cherokee Nation after the war? A. No, sir, not exactly.

Q. When did you first see her in the Cherokee Nation after the war? A. I seen her here in the summer.

Q. That year? A. Of 1885.

Q. Where did you see her? A. She came over to my place on Grand River.

Q. Who was her husband? A. Moses Grubbs was her husband.

Q. What was his other name besides Grubbs? A. Moses Ross, belonged to Lewis Ross.

Q. Where has the applicant lived since that time in '85 when she came to your place? A. I can't tell you.

Q. Have you seen her? A. Yes, sir, several times, at my place.

Q. Did she live in your part of the country any length of time?

A. She came there and stayed a while with me, sometimes a month or two weeks and then she would go back to her home.

Q. Where was her home? A. She said she was living up on Russell Creek.

Q. Do you know of your own knowledge what other parts of the country she has lived in? A. No, sir.

Q. How often since '85, how frequently would you see her during that 35 years? A. I can't tell, I never noticed the time.

Q. Did you see her often or not? A. Well, tolerably often, just now and then.

Q. Where would you see her? A. Sometimes at my house, sometimes at my brothers, and there in the neighborhood where I lived at.

Q. Did you ever see her any other place in the Cherokee Nation besides over there? A. I just saw her around at neighbors' houses.

Q. Were you much acquainted up in the country about Coffeyville?

A. No, sir.

Q. Do you know where Vinegar Creek is? A. No, sir, just only heard of it.

Q. Do you know of her living up there of your own personal knowledge? A. I don't, I just heard Ike Rogers say she lived up there.

Mr. Hastings: About how many times you think you have seen her in 35 years? A. I can't tell you, I never kept no count.

Q. Have you seen her half a dozen times? A. I expect more than that; I never kept no count.

Q. She would come down there to visit you now and then? A. Yes, sir, she would come over to my house.

Q. Do you know her daughter Kiska? A. Yes, sir.

Q. She is living in Kansas, is she? A. I don't know where she is living at.

Q. You know she is married up there? A. No, I didn't.

Q. She has got a state man for a husband? A. That is something I don't know.

Q. You don't know her at all? A. I don't know who all her children married.

Q. Do you know where Nelson, her son, lives? A. He lived up here on Big Creek.

Q How long has he lived up there? A I don't know how long, he has been teaching school up there a good while.
 Q Do you know where this woman's husband is? Is he dead? A Yes, she says he is dead; I didn't see him.
 Q Did you ever see him? A Oh yes, I lived right on the place with him.
 Q Did you see him after the war? A Yes, sir.
 Q Where did you see him? A The last time I seen him it was up here in Kansas, and I haven't seen him since.
 Q About the time the war closed? A No, sir, a little time after it closed.
 Q Just before you came down here? A No, after that.
 Q You had come down here yourself? A Yes, sir.
 Q And went back and you saw him up there? A No, I didn't go back, he came down, I didn't go back.
 Q Where did he come from? A Well, that is what I don't know, I didn't ask him.
 Q Don't you know that this applicant has been living at Iola, Kansas? A No I don't, I have asked her several times and she told me no.
 Q Do you know where this Mose Ross died? A I don't know that.
 Q Didn't die at your house, did he? A No, sir, didn't die there.
 Q You never was at Vinegar Creek? A No, sir, never was.
 Q You never saw her on Russell Creek? A No, sir, never went up there that far since I have been in the Nation.
 Q She would come to visit you once in a while? A Yes, sir.
 Q About how long would she stay on a visit, a week or two? A Yes, sir, longer than that.
 Q How long; a month? A She came one time and stayed nearly two months; she was confined there.
 Q Where was her husband then? A I don't know.
 Q He wasn't with her? A He wasn't with her.

FRANK ROSS, being duly sworn and examined before Commissioner Needles, testified as follows:

Mr. Mollette: What is your name? A Frank Ross.
 Q What is your age? A 53.
 Q Where do you live? A Lightning Creek.
 Q Are you on the authenticated roll of Freedmen citizens of the Cherokee Nation? A Yes, sir.
 Q Do you know the applicant, Nancy Ross? A Yes, sir.
 Q How long have you known her? A Ever since I can recollect.
 Q Did you know her before the war? A Yes, sir.
 Q Where did you know her? A Known her at Lewis Ross' where we belonged.
 Q Did she belong to the same person you did? A Yes, sir.
 Q Did you know her husband, Mose Ross? A Yes, sir.
 Q How do you know when she returned to the Cherokee Nation after the war? A I know when I saw her first.
 Q When did you first see her? A In the fall of '66.
 Q Where? A To her brother's, Mose Hardrick, on Grand River, east of Grand River.
 Q How did you happen to see her there? A I was up there, went up there from where I lived, and she was there.
 Q Where has she lived since that time, as far as you know? A Well, I can't tell where she has lived, only along about ten years after that I seen her up on Big Creek, where she is living now.
 Q Is there a Vinegar Creek up there some place? A One up close to Gorteyville in there somewhere, I heard of one up there.
 Q You saw her, you say, ten years after you first saw her, on Big Creek? A Yes, sir.

Q How long has she lived up there on Big Creek? A About 16 or 17 years I guess, as well as I can recollect; maybe not so long and maybe longer.

Mr. Hastings: How many times have you seen her in the Nation since 1881? A I don't know, I have seen her a good many times.

Q About how many times? A I can't say; I have seen her a good many times.

Q You saw her at Mose Hardrick's the first time? A Yes, sir, at Mose Hardrick's, her brother.

Q What time of the year was that? A In the fall.

Q Was her husband with her? A I didn't see him.

Q Was her children with her? A I mean two.

Q Name them? A Ned and Kissie.

Q Was Kissie married then? A I don't know.

Q Was her husband with her? A I don't know.

Q You don't know whether she was married or not? A No, sir.

Q When did you next see her? A About ten years after that, I guess it was ten, nine or ten.

Q Was her husband living with her then? A Yes, he was sick then.

Q Where was she? A That was up on the river, up here on Big Creek.

Q Near whose place? A Well, it was near the Duffin settlement then.

Q Were you up there to her home? A Yes, I was to her house.

Q Was her husband there? A Yes, he was there when I got up there.

Q How when was that? A I don't remember what year it was in, it must have been along about '75 or '80, somewhere along in there.

Q Where did you see her after that? A A good many times after that.

Q Did she have a place on Big Creek? A Yes, sir.

Q She had a house built? A Yes, sir.

Q She is living on that same farm, and house now? A Yes, sir, in the same house and farm.

Commissioner: Nancy Ross applies for the enrollment of herself and two children, Arthur and Emma. She is not identified upon the authenticated roll of 1880, or the census roll of 1896. She is duly identified upon the Kern-Clifton roll. Her two children, Arthur and Emma, are also identified upon the Kern-Clifton roll. She avers that she was the slave of one Lewis Ross, a Cherokee citizen, and that she was married to one Moses Ross, or Mose Gribb, now deceased. She avers that she went to Kansas during the war and returned in the year 1866. By reason of the fact that her name is not on the roll of 1880, and by reason of the fact of the special pretext of the Cherokee Nation against her enrollment, said Nancy Ross will be listed with her two children, Arthur and Emma, for enrollment as Cherokee Freedmen, on a doubtful card, awaiting further consideration by the Commission.

She will be notified by mail of the decision of the Commission when arrived at.

Supplemental testimony.

NANCY ROSS, recalled, testified as follows:

Commissioner: How do you apply for some grandchildren? A Yes, sir.

Q What are their names? A Bert Ross.

Mr. Hollette: These children are these grandchildren? A Cyrus.

Q Are they living with you? A Yes, sir.

- Commissioner: How old is Bert? A I don't know his age.
Q About how old? A I guess he may be 17 I guess.
Q What is the name of the next one? A Lewis.
Q How old is Lewis? A I don't know how old he is.
Q About how old? A I just don't know.
Q Is he younger than Bert? A He is younger than Bert, Bert is the oldest one.
Q About how old is he? A I guess I would put him about 15.
Q What is the name of the father of these children? A Cyrus Ross.
Q Is he living? A No, sir, he is dead.
Q What is the mother's name? A I don't know the mother, she don't live with me, she just brought the children home.
Q Was Cyrus Ross your son? A Yes, sir.
Q When did he die? A He died several years ago.
Q Where? A Down here.
Q In the Cherokee Nation? A Yes, sir.
Q How old would he be if he was living? A I guess he would be 48.
Q Was he born a slave? A Yes, sir.
Q Where did he go during the war? A He went with me.
Q Did he belong to the same man you did, Lewis Ross? A Yes, sir.
Q Did he return with you? A Yes, sir.
Q Where were these children born? A Born on Grand River, in the Cherokee Nation.
Q Where was Cyrus Ross married? A I don't know, he was married in the Nation, he had a Nation woman.
Q Was his wife a state woman or a freedman? A She was a Nation woman.
Q Was she a slave? A Yes, sir, I guess so.
Q You don't know her name? A Her name was Sidney he said, she didn't live with me.
Q What Sidney? A I don't know.
Q Do you know whether they were ever married or not? A No, sir, he was sick when he came home, his wife was dead, and he just brought the children.
Q Now how many grandchildren you want to enroll? A I want to enroll six.
Q What are their names now? A Bert and Lewis and Georgia and Minnie and Roy and Nancy.
Q Georgia Ross? A Yes, sir.
Q And Minnie Ross? A Yes, sir.
Q And who else? A Nancy Ross.
Q And who else? A Roy Ross.
Q How old is Georgia Ross? A I don't know how old she is.
Q About how old? A I don't know, I can't say, for I don't know nothing about how old the grandchildren is.
Q You ought to post yourself on that before you come to apply.
Q Nobody knows their ages except the fathers, I guess she may be 14.
Q How old is Minnie? A About 13 years old.
Q Well, how old is Nancy, about? A Nancy is another set, another daughter's children.
Q How old is she? A She is 9.
Q Well, how old is Roy? A He is 14.
Q Is Roy the brother of Nancy? A Yes, sir.
Q Well, now, is Cyrus the father of Georgia and Minnie? A Yes, sir, he has got four.
Q And Bert and Lewis? A Yes, sir.
Q And their mother's name was one Sidney? A Sidney, he said.
Q Were they ever married? A I don't know.
Q Can you prove their marriage? A I don't know anything about it.
Q Well, that is what you will have to do. Who was the mother of

Mamoy and Roy? A Martha.

Q She your daughter? A Yes, sir.

Q Is she living? A No, sir, she is dead.

Q When did she die? A She died since the Clifton court.

Q How old would she be if she was living, about? A I think she would be 34 years old, I guess.

Q Was she born before or after the war? A She was born in '86.

Q Where? A On Russell Creek.

Q In the Cheyenne Nation? A Yes, sir.

Q She lived there till she died? A Yes, sir.

Q Are these children all living? A Yes, sir, they are all living.

Q Are they living with you? A Yes, sir.

Q Mr. Hastings: Where at? A Up on Big Creek.

Q How long have they been living on Big Creek? A Been there ever since I been there.

Q How long is that? A I guess I been living there 14 or 15 or 16 years, I reckon, I can't remember just how long I been living there.

Q You got a place there? A I got a place there now.

Q When did you make it? A I made it in 1897.

Q Who did you live with up there before that? A I lived with Katie Thornton.

Q You never lived on a place of your own have you? A I had a place rented up there.

Q Did you know where Cyrus Ross' children were born, did you ever see his wife? A No, I never saw his wife, he wasn't with me.

Q He was in Kansas? A No, he wasn't in Kansas.

Q And all these children were born up there? A No.

Q How do you know? A I don't think he was.

Q You never saw his wife? A No, sir.

Q You are testifying here and you never saw his wife? A He said they were born in the Nation; he never came home till he was sick enough to die.

Q When did he die? A He died when he died.

Q When was that? A I don't know when he died, I don't know how many years it has been.

Q Has it been 20 years ago? A I don't think it was, I know it wasn't.

Q Is his wife living? A No, sir.

Q You don't know her name? A No, sir, only Sidney, because he was sick when he came there.

Q Don't you know where he was living, your own son? A No, sir; do you know where your own folks is living when they are grown and scattered about keeping up their business?

Q What was Martha's husband's name? A She didn't have no husband, just had them two children.

Q Where were them children born? A Born here.

Q Where? A Where; born here in the Territory.

Q What part of the Territory? A On Big Creek.

Q In your house? A Yes, sir.

Q You were not keeping house at that time? A Yes, sir, I was renting and keeping house.

Q Where did Martha die? A Up there.

Q Where? A Up on Big Creek.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Bert Ross on page 152, No. 3766, Coconino District.

Louis Ross on page 151, No. 3767, Coconino District,

as Louis Ross.

Georgia Ross on page 152, No. 3768, Coconino District.

Minnie Ross on page 152, No. 3769, Coconino District.

Q Did Martha die since she got her Clifton money?

A She got her Clifton money, but they couldn't find the children's names, they were left off.

Q She didn't get it for the children? A No, sir, they were left off.

Q These children all living? A Yes, sir.

Q All living with you? A Yes, sir.

Commissioner- The applicant also applies for the enrollment of six grandchildren, to-wit: Bert Ross, Lewis Ross, Georgia Ross and Minnie Ross, who she avers are the children of her son Cyrus, by one Sidney. The children are duly identified upon the census roll of 1898, but no proof is made as to the marriage of Cyrus with the presumed mother of said children, and no proof as to where they were born, or as to the citizenship of their mother. She avers that she has two grandchildren, Nancy and Roy, and that they are the children of her child, Martha, now deceased. —

The Kern-Clifton roll examined, and the name of Martha Ross found thereon, page 152, No. 3739, Coconino District.

— and the said Martha Ross is identified upon the Kern-Clifton roll. The names of the children Roy and Nancy cannot be identified upon any roll, and no satisfactory proof is made as to their citizenship, consequently it will be necessary first that satisfactory proof of marriage be made between Cyrus and his wife, the avowed mother of his children, and satisfactory proof of the birth made as to Nancy and Roy, the avowed children of Martha, and their names will be placed upon a doubtful card as Cherokee Freedmen awaiting further consideration by the Commission. They will be notified by mail when a decision is arrived at.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce G. Jones.

Sworn to and subscribed before me this the 14th of August, 1901.

(Signed) T. B. Needles,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 7, 1901.

In the matter of the application of Nancy Ross et al for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Hollette & Smith, attorneys for the applicant.
W. W. Hastings, of counsel for Cherokee Nation.

R. J. MORRIS, appearing before the Commission and being duly
sworn and examined, testified as follows:

Mr. Hastings: What is your name? A R. J. Morris.

Q What is your age? A I am 50 years old.

Q Where do you live? A I live at Iola, Kansas.

Q How long have you lived in and about Iola, Kansas? A Since '56.

Q Did you know a colored woman by the name of Nancy Ross, and also
known as Nancy Grubbs.

Q You knew her husband? A Yes.

Q What was her husband's name? A None.

Q Did you know any of her children? A Yes.

Q Now name some of them? A Well, I knew George, Dick and Arthur
and Kissie I think and also Ned Foreman, that was a son of hers.

Q A son of hers, not a son of her mother? A No.

Q Do you know this man here (indicating Nelson Ross)? A Well it
has been quite a while since I have seen him, but he resembles the
Grubbs family, I can't say whether he is a Grubbs or not.

Q Well, when did you first learn to know Nancy Grubbs or Nancy
Ross? A Well right away after she came up there from the Nation, I
think it was about '63 somewhere along there, I wouldn't be positive
it was that year, but then right in that neighborhood.

Q Well now how long did you continue to know them? A Well, I know
her ever since.

Q Where has she lived since that time? A Iola.

Q Well, have you known those children? A Yes, I am very well ac-
quainted with George and Arthur, and I did know Dick and Harry, I
am very well acquainted with Harry, I saw him nearly every day, I have
been living or boarding right close to where he lived, I see him
most every day.

Q Does he live up there now? A Yes.

Q Does his mother live up there now? A I can't say whether she
lives there now, she did the last I knew, that was last winter; you
see I have been away from town a right smart of the time this summer
at work.

Q How far from Iola did they live when you first knew them just
after the war? A Well, I suppose about two miles, mile and a half
or two miles.

Q They live on a farm? A Why they lived, I don't know whether
you would call it a farm or not, a small tract of land.

Q Well, did they afterwards move in town or move from there? A Yes,
afterwards moved from there to town.

Q About how long ago? A Well I can't say positively, probably
eighteen or twenty years ago, well I would say fifteen or twenty
years ago, I can't say positively just what time it was.

Q Did you ever have them to work for you, do any work? A No.

Q How far did you live from them this first few years after the
war, did you live in town? A No, I lived about three miles northwest
of town.

Q How far would that throw you from them? A Oh probably about
three miles or four.

Q You know where the father, Rose Ross, or Rose Grubbs, died? A Well

now I wouldn't be positive whether he died. I think though he died in Iola; I wouldn't be positive as to that.
Q Well, did you ever hear of these people leaving there for any length of time? A No, I never did, I don't know of them ever moving away.

Q Did you see them frequently? A Very very often.

Q Did you ever know one that they called Nelson? A No.

Q Never knew Nelson? A Didn't know him.

Q You know one they called Dick? A Yes.

Q Did Kizzie marry, the daughter? A Yes.

Q Who did she marry? A She married a colored man by the name of Newman, Taylor Newman.

Q Do you know what became of her? A I do not.

Q When did you remember of seeing her last? A Well, sir, I can't tell you, I see Taylor very often.

Q That her husband? A That is her husband, but I haven't seen him for sometime.

Q You know where Taylor is? A He is in Iola.

Q Living there? A Yes, sir, living there.

Q That is Taylor Newman? A Taylor Newman.

Mr. Hollette: How old are you, Mr. Morris? A 35.

Q You say that the woman, Nancy Ross, whom you know and whom you have been telling about, or Nancy Grubbs, lived in Iola last winter? A Yes, sir.

Q That was the winter of 1886 and 1887? A Yes.

Q Where did she live? A She lived in the southwest part of town.

Q Kept house? A Yes, sir.

Q Have a family there? A Yes, sir, her children was there with her.

Q How many children? A Two I think and then there was one boarding there, George was boarding at home.

Q Well how old a man is George? A He must be well into thirty years old, maybe older, I don't know just exactly.

Q Then you don't know anything about any of the rest of them except George, do you? And Nancy? A No, I don't; well, Harry, I know Harry lives there in Iola.

Q Do you know that the Nancy Ross who has made application here for enrollment as a Cherokee Freedman is the Nancy Grubbs whom you have been talking about? A No, sir, I don't, I never knew her by the name of Nancy Ross.

Q Now where was Nancy Grubbs, whom you have been talking about, in 1886? A In 1886, well she was in Iola as far as I know.

Q Well I am not talking about as far as you know? A I can't swear positively whether she was there or not, if she ever moved away I don't know about it.

Q You don't know whether she was there in 1886 or not? A I can't swear positively she was there, no, sir.

Q Where was she in 1887? A That I can't say, for it has been years back.

Q Where was she in 1888? A Well she lived there in Iola or in the vicinity.

Q Well are you certain of that? A If they ever moved away I never knew it.

Q Well, that don't answer my question? A Well I wouldn't swear positive.

Q Then you are not swearing where this woman Nancy Grubbs was in either of the years I have mentioned, '86 or '7 or '8? A I can't swear positively.

Q Where was she in 1890? A Well, I suppose she was in Iola.

Q Well do you know, can you swear that you saw her there? A I can't swear, I seen her there.

Q When? A Summers or times, from the time I became acquainted up to the present time if they ever moved away I never knew it.

Q I am asking you where she was in 1890? A I can't tell you, I

wouldn't swear positively.

Q You will not swear whether she was there in 1870? A I say if she ever moved away I never knew of it, she has always been a resident of Iola as far as I know, and I saw them often.

Q Where do you live? A I live northwest of Iola about three miles; and part of the time I lived in Iola.

Q Were you a particular acquaintance of Nancy Grubbs, you have been talking about? A Why I have been very well acquainted with her for sometime.

Q Did you watch her movements closely? A No, sir, I didn't.

Q I will ask you if it is not a fact that she has lived away from there as much as five years at a time? A No, sir.

Q You are positive of that? A Positive of that.

Q Has she lived away from there as much as one year at the time? A I can't say if she has, if she ever has I don't know it.

Q But you can't say she hasn't? A I wouldn't swear point blank that she hasn't.

Q You don't know whether or not she came down into the Cherokee Nation on Russell Creek in 1882, do you? A I can't swear positive.

Q Do you know of her living upon Vinegar Creek up close to Coffeyville in the Cherokee Nation? A No, sir.

Q Do you know whether she did or not? A I don't know, I don't know anything about Vinegar Creek.

Q I will ask you if she lived there? A I don't know, I don't know, I don't know, I don't know.

Q You say you don't know Nelson Grubbs? A No, sir.

Q You don't know whether he has lived in the Cherokee Nation all his life or not? A Don't know him, I don't know any of them by that name.

Q Now you don't know this man, do you (indicating Nelson Grubbs)? A I can't see him.

Q He is right by the window and you ought to look at him; do you know him? A Well he looks like the Grubbs to me.

Q Well do you know him, do you know who he is? A Is it George? A Now you are positive? A Well he is in a little better shape, if he is George, than I have ever seen him.

Q You don't know whether the man sitting here is George Grubbs or not? A It is a pretty hard matter for me to place this fellow here.

Q I am asking you if this fellow is George Grubbs? A I believe it is.

Q This man sitting here is George Grubbs? A I believe it is, it resembles him.

Q If I would tell you it was Nelson Grubbs what would you say? A He must be a brother of George then.

Q You never saw that man in Kansas then? A Don't believe I ever did.

Q This man is Nelson Grubbs, and you will swear you never saw him in Iola, Kansas, that you know of? A I don't think that I ever did, I never saw him that I know of, I can't tell him, it is a Grubbs though.

Q The only child of Nancy Grubbs then whom you know is George Grubbs? A George and Harry and Dick.

Q Where is Harry? A He is in Iola.

Q How old is he? A He must be probably 25 or more.

Q When did you see him in Iola? A I seen him there Saturday last.

Q What is he doing there? A He is in a livery barn.

Q For wages? A I suppose so.

Q Is he a single man? A No, sir.

Q Has a family? A Yes, sir, he has a wife, I don't know whether he has any children or not.

Q Well, where is George? A George, I saw him I think it was last Thursday.

Q Where did you see him? A In Iola.

Q What was he doing there? A Working.

Q What was he doing? A He was helping move a house.
Q How far is it from here to Iola, Kansas? A I don't know the exact distance, it is about 85 miles I suppose, something in the neighborhood.
Q Was he living there or just working there temporarily? A Why I don't know whether he lived in Iola or Humboldt, he lived in Humboldt last winter he told me, and I can't say whether he lives in Iola or Humboldt, he was working in Iola.
Mr. Hastings: Is Humboldt in Kansas? A Yes, sir, Allen County, Kansas.

Q Now Mr. Morris, as I understand you, you got acquainted with or learned to know these people about '85? A Yes, sir.
Q You saw them there last winter and some you saw the last few days ago? A Yes.
Q Between those two dates now have they lived there so far as you know? A So far as I know.
Q You never missed them? A Never missed them.
Mr. Kellotte: Did you take it upon yourself to watch these people? A No, sir, oh no.
Q They might have been gone a year at a time without you knowing it? A I don't think they would, they possible might have been, I didn't watch for anybody very close, it is not my business, my business is attending to my own business, but as I say, if they were away from there I never knew it; well I have known of her going to the Nation a time or two but not to move here, I don't know of her moving here, she has made a few trips, her and George both, I don't know that Harry has ever made a trip.

J. E. THORP, appearing before the Commission and being duly sworn and examined, testifies as follows:

Mr. Hastings: Q What is your name? A J. E. Thorp.
Q What is your age, Mr. Thorp? A 44.
Q Where do you live? A Iola.
Q Kansas? A Kansas, yes, sir.
Q How long have you lived in and about Iola, Kansas? A 44 years and a little upwards.
Q What is your occupation? A I have been a barber for the last 35 years, 38 years.
Q Do you know a colored woman by the name of Nancy Moss, or Nancy Grubbs? A So called, yes, sir.
Q Where did you know her? A Immediately west of Iola, across the river, in the first place, a little way from Iola.
Q About how far did she live from town when you first knew her? A Two miles, two and a half, sir.
Q Well, about when did you learn to know her? A I think it was about '87, it was a year or more after I got home from service.
Q Where was she living? A West of the river a couple of miles from town.
Q How long did she continue to live at this place? A I can't say as to that, a year or two or three, I kept no count of it.
Q Where did she go from there? A Her family moved from there into town.
Q Well, did you know them after they came to town? A Yes, sir, that was the same as I knew other colored families, I knew of them.
Q Did you know the father and husband's name? A Moss I think.
Q You knew him? A Oh yes.
Q Did you know any other members of the family, the first names? A I know of their father's, but I didn't know but very few of their names, really I couldn't keep track enough of them, as their names, I know several of the oldest ones, there are probably several of the younger ones that I didn't know, I knew their names, it is Grubbs, there is a family resemblance.
Q How long did you know them, up to what time did you know this

Haney Ross or Grubbs? A Oh I have known her more or less all these years.

Q You know where she is now? A Well no I don't, my idea was that she was there at her home I guess, but I heard she is here in town now.

Q When did you last know of her being up there at her home? A Well, as I said in the lower court this morning, I have no absolute knowledge of her being at home since her family was quarantined last winter.

Q Well you know of her then being there as late as last winter? A Yes.

Q Now have you known of them ever since you have learned to know them a year or two after the war, up to last winter?

Mr. Mellette: It strikes me that is about as leading a question as it can be; I object to that question upon the ground of being leading.

Commission: The objection will be noted; let him answer the question.

A Practically so, sir.

Q How far did you live from them last winter, your residence? A Last winter, I think about seven blocks, about that.

Q Did you know Ted Foreman? A I did know him in the years gone.

Q How long has it been since you have seen him? A I can't tell you, I don't remember much of having seen Foreman very much since he married, he lives out east of town some six or eight or ten miles, maybe eight or ten or fifteen years ago, maybe longer.

Q Did you ever know Kiska, a girl? A I know of her, knew her by sight.

Q Did you know her husband? A I don't remember whether I did or not, no I didn't.

Q Did you know George Ross or George Grubbs? A Well now I can't state that except from what I heard in the preliminary examination when we referred to her having married Newman.

Q You don't know about that? A I probably know of it at the time, but it has escaped my memory; the probabilities are I did know of it at the time.

Q Well through these years did you ever know of this family moving away from there? A No, I have no knowledge of their ever moving away, not to my knowledge; they might have been gone at times for a couple or two or three months or perhaps a greater period of time, but I wasn't aware of it at all.

Q Could it have been possible for this woman and her family to have lived there ever since '06 in the Cherokee Nation? A Well, scarcely.

Q If she swears that she moved here in '06 and lived here ever since, she is mistaken? A Well I rather think so; that would be my idea of it; profoundly mistaken.

Mr. Mellette: Where is that preliminary court you talk about?

A In the room below here.

Q What makes you call it a court? A I don't know whether it was a court or not.

Q Didn't they tell you that that is just the attorneys for the Cherokee Nation? A I don't know, perhaps they did.

Q Why did you come down here? A I was subpoenaed.

Q What kind of subpoena was served on you? A The same as the balance I presume.

Q Now what kind of subpoena was served on you, who signed that subpoena? A I think it was Mr. Keys.

Q Don't you know that subpoena isn't legal? A I don't know anything about it.

Q Do you people up there think that subpoena is binding on you folks to come down here? A That is the impression we get.

Q Why do you have that idea?

Mr. Hastings: What is the use of going into that? I

am going to object to that.

Mr. Mallett: I simply want to know what kind of subpoena is being served on these people, whether they are coming of their own accord and voluntarily to appear as witnesses in these cases or whether they are coming in obedience to a legal subpoena and if the subpoena served on them is a legal one, and if not, I want to know who signs it, by what process they are brought here, if they are voluntarily appearing as witnesses; it is a question that goes to their credibility; if otherwise, why they are entitled to know it. I simply want to know how this man is being brought here, upon what kind of a subpoena.

Mr. Hastings: If the Commission please, it is enough for the attorney for the applicant to know that a subpoena was regularly issued and that this man was brought here; he was brought here at our instance, we subpoenaed him, he is here to give testimony on behalf of the Cherokee Nation. Now what would it avail him, what business is it of his to go into the question of the legality or illegality of the subpoena issued by the Cherokee Nation? That is a legal question that this Commission don't know anything about nor would it be of any benefit to them in this case to investigate it; it is simply a side question. For the gentleman's information, I might say the Cherokee Nation passed a law authorizing the employment of attorneys before this Commission, and that same law authorizes the issuance of these subpoenas by the attorneys for the Cherokee Nation, and these subpoenas were issued by the Cherokee Nation in obedience to that law, and these were served by people qualified to serve them upon those outside witnesses. It don't affect whether Nancy Grubbs came back here after the war, or whether she continued to reside here after that time.

Commissioner Breckinridge: I have no occasion to go into the question of the sufficiency of these subpoenas when served in the state of Kansas. If the witnesses themselves choose to raise the question and refuse to come, it would then arise before a court of competent jurisdiction. There has been a law passed by the Cherokee Nation and approved by the President of the United States providing for all these processes, and so long as these witnesses are here, the only point in which I am concerned would be the weight of their testimony. Even if they came without any subpoena, it is a question of the value of their testimony. A great many of the witnesses here come without any subpoena; they are selected from the crowd at the time. If the service of a subpoena is necessary for the proper accounting of the business to enable the Cherokee Nation to pay their mileage and per diem, I don't see any objection to it. I overrule any objection that seeks to exclude evidence upon ground of that character, and that evidence will be received, and as for going into the technical question of the subpoena, I see no occasion for that. I want to proceed upon the merits of the case and the value of the testimony. If you want to impeach the witness as to his integrity and character, why take steps to that effect; otherwise I consider the question as of no probable bearing or force. Counsel can put in the record any objection that he likes, but the case will proceed and the matter will be considered by the full Commission when opportunity is offered.

Mr. Mallett: Now Mr. Tharp, where was Nancy Grubbs in 1867? A I think she was west of the river at that time living up there on a place they had rented.
Q Well, do you know where she was, can you swear where she was?
A I don't remember, I wouldn't say for certain that I was at their house in '68, but I think it was about in '67.
Q Well, are you willing to swear that you were at her house in '67?

A On I think I might, yes, sir.
Q Now if she swore that in 1867 she was in this country and went from Russell Creek up to Vinegar Creek, she is mistaken, is she?
A I think so, probably.
Q Now, you swear positively she is mistaken? A I think she was mistaken, I wouldn't say positively, but I think so just the same.
Q When did you get back from the army you spoke of? A I got home Christmas after, '85.
Q You said you saw her a year or two after you got back? A Yes, sir.
Q Well, was it one year or two? A I can't say as to that; I was hauling some wood for some man, over to a neighbor living just west of them, and I frequently went clear around by their house in order to avoid crossing two bad places.
Q But you can't say whether it was one or two years after you came back after the war, how do you know where she was in 1867?
A I was passing there and saw the old lady; I think on one occasion I saw her husband planting potatoes.
Q I am not talking about the old gentleman? A Well I saw the members of the family there and while not being absolutely close enough, still I had plenty good eyes those days, that is my recollection, that I thought I recognized the old lady, I might have been mistaken but it is scarcely possible.
Q Was that two years after you came back after the war? A I don't think it was, in fact of two years, no, sir, about two years, it was in the spring time I was hauling this wood from Mr. Elmer Reagan's farm, H. L. Reagan.
Q Did you know a child of Nancy Grubbs named Martha? A I don't think I did.
Q Do you know whether the Nancy Grubbs you have been talking about is the Nancy Grubbs who has applied here, or the Nancy Ross who has applied here for enrollment as a Cherokee Freedman? A I can't say, just as I said in the lower room, whether a court or not, but I don't recollect ever having heard her called Nancy Ross at all.
Q But you don't know that the applicant here is the woman you have been talking about? A No, I know Mrs. Grubbs of course; whether she is the woman Ross or not now I don't know.
Q And whether she is the applicant or not you don't know? A Why if her name is Grubbs I presume it is the applicant.
Q Well, was there ever more than one Grubbs in the States?
A There was no more that lived there to my knowledge.
Q I say, do you swear that the Nancy Ross who has applied here for enrollment is the Nancy Grubbs you have been talking about; do you?
A I think that it is all one and the same person.
Q Do you know who has applied here as Nancy Ross for enrollment?
A I don't know, I have been informed.
Q I am not talking about what you have been informed; do you know who has applied here as Nancy Ross? A No, I do not.
Q Then do you know whether the Nancy Ross who has applied here is the Nancy Grubbs you are talking about? A I can't say it only in the way of a presumption, I took it granted of course in the way of a presumption it is the same.
Q Do you know Harry Grubbs? A Oh I have known of him I think.
Q Where was he born? A I can't say as to that.
Q Was he born in the Cherokee Nation? A I can't tell you.
Q You don't know whether he was born in the Cherokee Nation or not?
A No, sir.
Q Well, if he was born in the Cherokee Nation, Nancy Grubbs was here at the time, wasn't she? A Probably was; probably was, without he must have been born at pretty long range.
Q Where did these Grubbs die? A Well, sir, I think he died in Iowa.
Q You swear that? A No, I don't, because I don't absolutely know outside of hearsay, that is how.
Q How did he die in Fort Scott? A I can't tell you sir.
Q Did you ever see your eye on Nancy Grubbs all the time to know whether she came down here to the Territory? A For several years

I passed her door, some 12 or 14 years, on the way to my home, passed three or four times a day.

Q Was she at home all the time? A She might have been, I can't say as to that, I know I saw her frequently though; I might not have seen her for a week or two weeks, but I wasn't aware by hearsay or otherwise of her being absent from there.

Q Well, you didn't make inquiry, did you, as to whether she was absent or not? A No, no.

Q She might have been absent and you not hear about it? A Possibly, she might have been absent very frequently that I don't know of, possibly, for short periods, I think two or three or four days; I knew her and three or four boys, and I have some slight knowledge of a girl or two, I don't remember how many.

Q Where was George born? A I can't tell you where any of them was born, I can't tell you whether they were born in the Cherokee Nation on Vinegar Creek or anywhere.

Mr. Hastings: I believe you stated that you passed their door three or four times a day for 12 or 14 years? A On my way from home to my shop, unless the weather was too extremely hot or stormy, I passed the door in going to my work and to my meals and back home again at night.

Q And during that time you never missed this woman? A Oh she was probably absent sometimes for a few days that I don't know any thing of it, I know nothing of her being away.

M. G. ROBINSON, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A M. G. Robinson.

Q Where do you live? A At Iola, Kansas.

Q How long has Iola been your home? A Since the spring of '90.

Q Did you know a colored woman up there by the name of Nancy Grubbs or Nancy Ross? A Well, she was generally known as Nancy Grubbs.

Q I say you know her? A Yes, sir.

Q About when did you learn to know her? A I don't know just how soon, it wasn't so very long after I came there, I can't say now just how long.

Q How how long have you known her since, up to what time? A What I mean in a general way, knew their family in town, it has been my understanding they were there or some of the family all the time, or most of the time, well all the time; what I mean is some of the family.

Q Did you know her husband? A Yes, sir.

Q What was his name? A None, that is, he always went by the name of Moses Grubbs.

Q Well, did you know any of their children? A Yes, sir.

Q What was some of their names? A Well, there was one that was called, sometimes Ned Periman, and some called him Ned Grubbs, and then there was George Grubbs and Kissie Grubbs and Dick Grubbs, that was among the older children.

Q Do you know this one here (indicating Nelson Grubbs)? A This one here I believe yes, I am not sure whether it is George or Dick, one that they called Dick Grubbs.

Q Was there one they called Dick? A Yes, sir.

Q Do you know any other name for Dick? A No, that was the general name he went by.

Q Do you know where Dick went to school? A Yes, sir, he went to school there at Iola; that is the same, he went to school there, he graduated there at the high school, that is my remembrance.

Q Did you know one they called Nelson, or did they have one by that name? A I don't remember one by that name, being called that.

Q You live in town? A Yes, sir.

Q What is your occupation? A Wagon maker, I run the whole thing, but then wagon making is my trade, wood work rather.

Q Where did these people live when you first knew them? A They were living west of the river on a farm there.

Q About how far from Iowa? A Well it is somewhere, that is to go out where they lived, it would have been along about close to two miles, a mile and a half or two miles.

Q They lived there when you first learned to know them? A Yes, sir.

Q How long did they live over there before they moved to town? A I can't tell you, they lived there, it must have been they lived there in town, well from fifteen to twenty years anyhow.

Q In town? A In town, of course I had nothing to particularly call my attention to the time they came in.

Q Did you see them there as you saw other people? A Oh yes, the same as I would other people, that is all.

Q Did they ever work for you, any of the family? A One of the girls worked for us some, but I don't remember now which one it was.

Q Did you know one they called Harry? A I don't remember him, not by that name.

Q Did you know one by the name of Rizzie, a girl? A Yes, sir.

Q Know whether she is married or not? A Yes, sir, I think she is, that is my understanding.

Q Do you know her husband? A Yes, sir, Newman I believe, that is my remembrance now, that she married Newman.

Q You know where Newman lives? A I think he is living there in Iowa.

Q You have never missed her? A I haven't missed her, no, sir.

Q Well, when was the last time you saw any of this family up there?

A Well, it is hard to tell now, it seems to me that it has been a good while; last winter they had the smallpox there; I wasn't down there, but when that was the talk, they had it, that was the report.

Q Were they living in town then? A Yes, sir, some place they have been living ever since they have been there in town.

Q Mr. Hollister, well, where was this woman whom you call Nancy Grubbs in 1875? A Well, my remembrance is that she was there; that is, out on the farm, out west of town, that is, they were living on the farm there.

Q Do you know whether she wasn't down in the Cherokee Nation at that time? A No, sir, I don't; that is, not at that time.

Q Isn't it a fact that two of the children have always lived up there, Harry and Arthur of these applying for citizenship in the Nation, and that the other people come up there to visit them sometimes? A That I don't know, that is, about the living there, that is, I don't know that they have been away, I don't know that they have been away; my understanding is that they have been there.

Q I am not talking about your understanding? A Why I say I don't know that they haven't been away some.

Q You made the remark a while ago, that some of the family were there all the time? A Yes, sir.

Q Now what did you mean by that? A Well that the family, that is, that where they were living that the family was there.

Q Own any property? A Owned that farm.

Q All the family? A The Grubbs, that is, Nancy, and my understanding is, rather that that was her home.

Q You don't know that she was there all the time? A No, sir.

Q The children all lived there too, didn't they? A Well, I think so, that is, those that I have mentioned.

Q Well Harry and Arthur? A Well Harry, yes, sir, I think so.

Q But you don't pretend to say that the old lady, Nancy Grubbs, has made that her home all the time? A Not all the time, no, sir.

Q Do you know anything about her living up on Vinegar Creek in the Cherokee Nation? A No, sir, I don't.

Q Do you know anything about her ever coming to the Cherokee Nation? A No, sir, only just of the reports is all.

Q Then you did hear reports? A I have heard that she has been here a few times.

Q And she might have been here when you didn't hear of it? A Yes, sir.

Q You moved to that country in 1870? A 1870, yes, sir.

Q And you knew nothing about Nancy Grubbs or her family before that time? A No, sir.

Q How long have you lived there, before you became acquainted with her? A I don't think it was a great while afterwards, I had just been there, just done some work for Mr. Grubbs, but I can't tell you now just how long, or how soon it was, it wasn't a great while after I went there.

Q One year or two years? A I am satisfied it was inside of two years.

R. P. GRAY, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A R. P. Gray.

Q What is your postoffice address? A Iola, Kansas.

Q How long has that been your postoffice, or home? A 23 years last December.

Q You know Nancy Grubbs, or Nancy Ross? A Yes, sir.

Q How long have you known her? A Well, I have known her for 23 years, maybe now, I got acquainted with the Grubbs family right after I got there.

Q Where were they living when you got acquainted with them? A They were living in a little cabin a mile and a half west and a mile north of Iola.

Q Did they afterward move to town? A Yes, sir.

Q Did you know them after they moved there? A Yes, sir, they lived on the same street that I did, about six blocks south.

Q How long have they lived there? A Well, it is right close to 20 years, I wouldn't like to say because I didn't make any note of it.

Q Well, your best judgment as to the time? A My best judgment is it is eighteen years last spring since they moved in there.

Q You know where they moved from when they moved to town? A Yes, sir, they moved from that cabin.

Q Did you know Nancy Ross' or Nancy Grubbs' husband, what his name was? A Mess Grubbs, yes, that is the fellow that I supposed was the husband.

Q Did you know any of the children? A Yes, sir.

Q Name some of them? A Well, the oldest one was Lee I think that is the oldest one, and the next was Kin, and I may be mistaken now, I don't swear I know exactly, but Kin and Dick - oh confound it I forget the other names, I would know it if I would hear it, but I don't recollect the names; they were the oldest; well George was older than Dick, George was next to Kin according to my best judgment; he is about 20 years old I should think.

Q George married? A He has been once or twice, I don't know whether he has got a wife now or not.

Q Do you know where he lives? A No, I do not; I saw him this summer but I don't know where he lives.

Q Where did you see him? A He was there at Iola a few days.

Q There is Ned Foreman? A Ned Foreman, he is down in this way or some other Nation, I forget, down here.

Q Do you know how long he has been away from up there? A About some three or four years ago last fall when he left there.

Q There is this old woman, Nancy? A She lives there in town, I think, when she is at home, she is away some, she was down here about a year or two or three years ago, down in this country somewhere, close to this town.

Q Did you hear of the strip payment about that time? A Yes, she came about that time, her and all the balance of that up there, pretty near all.

Q Well I believe you said you got acquainted with them about '75?

A Yes.

Q Have you known her since that time? A Yes, sir, I have always known her ever since that.

Q I believe you said they moved to town about 18 years ago, to the best of your judgment? A I think that is about it.

Q You know whether Kissie is married or not? A I do not.

Q Do you know whether they had the smallpox in their family last winter or not? A I think they did, I was told they had by the marshal, that is the man that told me, I didn't go down to see, for I had no use for the smallpox.

Q Mr. Gray, do you know this one (indicating Nelson Ross)? A Yes, I do now, he looks like Uncle Mose.

Q Looks like his father, does he? A Yes, it has been a long time since I have seen him to know him, I wouldn't have known him to meet him out on the streets, wouldn't have known him.

Q What did they call him up there? A I can't tell you now, but there is half of the fellows there, especially among the colored fellows had some kind of a nick name that nobody else don't know who they were except by that name.

Q But you just recognize him as a Grubbs? A Yes, sir.

Q Mr. Mellette, well, who is this man sitting here (Nelson Ross)? A He is one of the Grubbs family.

Q You swear that? A Well, I have always been told he was, and he used to live with them.

Q Well he hasn't been up in that country for a good many years, has he? A Oh I don't know, it hasn't been a great many years since he was there.

Q Did he go to school there? A Yes, sir.

Q How far is it from Iola to the Cherokee line? A Well sir, I can't tell you.

Q About how far? A Why I should think it is right close to ninety miles, I may be away yonder mistaken because I never was over the road except I came down here the other night and I came all the time in the night.

Q Isn't it a fact it is about 60 miles? A Well it ought to be farther than that.

Q Well, how long does it take to come from Iola to the Cherokee Nation? A It took me from eight o'clock in the morning till 5:15, the next morning to come here, but the biggest part of it was lying over waiting for trains.

Q How far is it from here to where you live? A I don't know, I can't say anything about the distance, I never was over the road, I can't say.

Q What railroad do you live on? A I live on the Santa Fe and Missouri Pacific, they cross there at Iola.

Q How far do you live from Coffeyville? A I don't know.

Q About how far? A I can't tell you for I never was over that country and never paid no attention to it.

Q You don't live over fifty miles from Coffeyville? A Why I would think so.

Q Well where did Nancy Grubbs live in 1875? A I can't tell you.

Q Where did Nancy Grubbs live in 1885? A She lived in town, I think.

Q Do you know that she lived there? A Well -

Q Do you know whether she was there at all during the year 1885? A In that country, yes, sir.

Q You swear she was there during that year? A Yes, sir.

Q Did you see her? A There never has been a month I didn't know, that I didn't see her, only when she was down here about three years ago.

Q Well we will confine ourselves to the year 1885 please, did you see her in 1885? A Well I don't know, I can't tell you, but they didn't live on their farm then, out in the country then.

Q Well, will you swear that you saw Nancy Grubbs at Iola in 1885? A I wouldn't answer that question, for I don't recollect.

Q Did you see her in 1886? A Oh I don't know what years I have seen her in, I never missed her from there, I don't recollect about the years.

Q Would you be likely to miss her if she would go away from him?
A Well I would suppose so.

Q Why? A Because I saw her frequently and she washed a great deal, or used to.

Q Well, is there any reason why you should keep track of her?
A Nothing only that she is an old settler there and I got acquainted with them when I first came to the country.

Q Do you pretend to say that Nancy Grubbs couldn't have been away from that town for six months without you knowing it? A No, I would not say that, most anybody could have been away from that town and me not know it, not know anything about it, but the family hasn't been away from there.

Q What do you mean by the family? A Why the children generally.

Q Well now name the children that you mean by saying the family?

Q Well, Lou I guess, Lou has been away for the last several years, she died, she was Gravens' wife, she was Wash Ross' wife in the first place when I first knew her.

Q Now we are talking about Nancy Grubbs and not her family and I want to know whether you can swear that she has been there all the time since you knew her, or not? A Well, she has a great deal, the biggest part of the time, but I wouldn't say she has been there all the time, I recollect once that she was at Fort Scott some little time but I don't recollect how long that was, the majority of the years since I have been there I run a meat market, I used to deal with the Grubbs when they had any meat to buy of me, and they usually bought meat right along, more or less.

Q Isn't it a fact that Nancy Grubbs hasn't kept house for twenty or thirty years? A No, it is not.

Q That the older children who lived in Iowa kept the house there, Harry and Arthur? A Well they might have kept the house a great deal of the time, but Nancy Grubbs has been there.

Q You don't say she ever kept that as her house, she kept the house, run the house? A Why, yes, I suppose so, she lived there.

Q Well, didn't she live there with her older children, Arthur and Harry? A Well now that is a question, whether she lived with them or them with her, I don't know how that was, but they all lived there.

Mr. Hastings: Now you have known them since '78 I believe? A Yes, sir.

Q Now how often, or about how often, have you seen them since that time? A Why I used to see them of course there near every week day, she nearly always came to town when she lived out in the country and washed every day, old Uncle Mose used to fetch her to town frequently and when he didn't she came afoot, and back home; she has washed for my folks lots of times.

Q Well, how frequently did you see her after she came to town? A Oh pretty near every big occasion, especially any sort of a social, she would always help the woman, everybody called her Aunt Nancy, she was known by that and nothing else.

Q Did you ever miss her for any considerable length of time? A No, I never missed her away from there any great length of time.

Mr. Hallett: Could she have been away from there without you missing her? A Oh she might, yes, sir, I don't suppose she was gone, she was a very popular colored woman among the women folks.

Commissioner: This testimony in this case will be made part of the record in Freedman D-632, D-1026, D-1023, D-1009, D-516.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 19th of October, 1901.

(Signed) G. R. Breckinridge,

Commissioner.

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Arthur S. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur S. Croninger

Subscribed and sworn to before me this 11th day of December, 1901.

[Signature]

Commissioner.

SUPPLEMENTAL: C.F. D-295, Kate Ridge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Indian Territory, October 11, 1901.

In the matter of the application of Kate Ridge for enrollment
as a Cherokee Freedman.

TESTIMONY ON THE PART OF RESPONDENT NATION.

APPEARANCES:

Mr. Mellette, of Mellette & Smith, Attorneys for Appl.
Mr. L.B. Bell, of attorneys for Cherokee Nation,
and Mr. W.W. Hastings, of attorneys for Cherokee Nation.
W.H. WOOD, being sworn by Commissioner Needles, testified as
follows:

BY MR. BELL:

Q What is your name? A W. H. Wood.

Q What is your age? A 38.

Q Post-office address? A Zenia, Ia. T.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q Were you living here after the war began? A Yes sir.

Q Where did you go? A Into the Cherokee Nation.

Q For what did you return to the Cherokee Nation after the close
of the war? A In '66.

Q Where did you come to? A Came to a place near the Polston
place, on the south-west part of Peter's Prairie, Delaware District,
Cherokee Nation.

Q How far was that from where the Missouri River crosses Honey
Creek? A About a mile and a half.

Q When did you move onto to that place? A Moved on that place
in the fall of '66; I don't remember the month exactly.

Q Will you live there after the war began, or how came you to
go on that place? A We lived on that place in the Cherokee Nation.

Q How came you to go on that Polston place? A Bought it from
Dr. Polston, my father-in-law.

Q How old were you at that time? A I guess I was about 16 years
old.

Q Was there any town there at that time near there? A No sir,
there was no town, there was a little post-office and store near
near the line that they called Honey Creek.

Q How long did you live there on that place? A We lived there about
2 years.

Q Then what did you do with it? A Sold it back to Dr. Polston.

Q And you left it? A Yes sir.

Q Well how you went there in the fall of 1866 and you stayed there
then? A Until the fall of 1868.

Q During the year of 1866, that is to say, the winter of 1866,
were there any freedmen living on that place? A No sir.

Q Were you acquainted with one Kate Ridge, a Freedman? A No sir.

Q Cornelius Ridge? A No sir.

Q No parties of that sort lived down on that place? A No sir.

Q Are you acquainted with that's known as the old Washburn place
at that time? A Yes sir.

Q Was there any freedmen living on that place by that name? A No
sir.

Q How far is that from the Polston place? A About a mile and a
half north and west.

Q Well how south and east of that place for a mile and a half
around about that Polston place was there any other houses? A No
sir, nothing but hills and hollows, no improvements whatever, corn
or 3 miles.

Q When did Dr. Polston sell that place after you bought it from
him or did he ever? A He sold it on the place then in 1868.

in '68.

Q Where did he move from to that place? A He moved from Mayesville, Arkansas.

Q There was no living during the year of 1867 after you bought that place from him? A He was living, I think possibly he moved part of his family to Mayesville and part of them was in Mayesville in the early part of '67, and in the winter of '67 they all moved there to Mayesville and lived there until he bought this place back.

Q How do you know anything about where Dr. Polston was in the early part of '66, or where he came from when you saw him and your father bought the place? A He came from Arkansas.

Q He was a white man was he? A Yes sir.

Q Do you know when the, no, I don't guess you do either, you never did get acquainted with Kate Ridge did you? A Never have seen her that I know of.

Q There never was any Freedmen on that place from '66 after you bought it? A No sir, there wasn't but one house and we had it.

Q After that was there any Freedmen lived on the Washburn place that you knew? A Not that I had any knowledge of.

Q But you moved away from that place in '68? A Yes sir.

BY MR. MURKIN:

Q How old are you, Mr. Fowdy? A 48 years old last July, sir.

Q You must have been about 15 years old then in 1866, that right? A Yes sir, being on 14 I think.

Q What did you mean by buying a place at that time, you didn't buy a place did you? A I said my father.

Q He was quite a young boy at that time? A Yes sir.

Q Do you remember well everything that took place in those days? A Yes sir, I do.

Q You paid particular attention to just who was living around there? A Yes sir, there wasn't so many but what you could count them very easy.

Q You were a 15 year old boy and still you recollect it at this time? A Yes sir.

Q What place are you talking about as the one that didn't colored people did not live on? A On the Polston place.

Q What was that? A On the south edge of Peter's Prairie in the Cherokee Nation.

Q Was that on Honey Creek? A No sir, it wasn't directly, the banks of Honey Creek, I call I guess from the Creek.

Q How many Polston places were there in that country? A Just the one.

Q How do you know? A I lived there.

Q You were a boy 15 years old, can you remember that there were no other places belonging to Polston? A Yes sir.

Q Where did you go during the war? A I went to the Choctaw Nation.

Q How did you return? A In '65.

Q What time in '65? A Spring.

Q What time in the spring? A We left Carriage Point in the Choctaw Nation in April and I think we were possibly 3 months getting through.

Q Do you know Herman or Hiram Ridge? A No sir.

Q You don't know where he lived before the war then? A No sir.

BY COUNSEL:

Q Are you a Cherokee citizen? A Yes sir.

Q By blood? A Yes sir.

Q What is your occupation? A I am farming and selling goods.

BY MR. MURKIN:

Q Now you said you returned in 1865, did you come to the Cherokee Nation in '65? A No sir.

Q Where did you come to? A We landed up on Honey Creek in the edge of Arkansas on Mike Blowers' place.

Q And then moved down into the Cherokee Nation in '65? A Yes sir.

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W. M. WOODALL, being sworn by Commissioner Hedges, testified as follows:

BY MR. HEDGES:

Q Give your name, age and post-office? A W. M. Woodall, 32, Big Cabin.

Q This is a case, Mrs. Woodall, of Katie Ridge, Freedmen Woman, claiming to be a Cherokee slave before the war of a Cherokee, and now claims a right as a Cherokee citizen under the 3rd article of the Treaty of 1866, were you acquainted with the Ridge family, Cherokees? A Yes sir.

Q Where did you know them? A I know them in Fayetteville, Arkansas.

Q How did you get acquainted with them? A I married into the family.

Q Who was it? A I married Herman Ridge.

Q About when was that? A I married him in '56, spring of '56.

Q Were you acquainted with one Herman Ridge? A Yes sir, it was my brother-in-law.

Q That was a brother of your husband? A Yes sir.

Q Were you acquainted with Miss Flora Polston? A Yes sir, she was a sister of my husband.

Q Were you acquainted with Mrs. Sarah Ridge? A Yes, she died several years before; she was the mother of my husband. She died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A At Fayetteville, at his sister, Mrs. Washburn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation?

A No sir.

Q It is home that he had was in Washington county, Arkansas?

A Yes sir.

Q Did you know a negro woman he had by the name of Rachel? A Yes sir.

Q Did she have a husband named Fanny? A Yes sir.

Q Have any children? A Yes sir.

Q Could you name any of them? A Cornelius is the only one I ever saw while I was there, that I know of, she had other children, but I can't remember of ever seeing them when they were small, I have seen them since they were grown.

BY MR. WELLS:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Didn't he have a farm in the Cherokee Nation? A Not that I ever knew of, there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not, he always lived there, he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the family until 1856 did you?

A No sir.

Q That was two years before the war began, was it? A Yes sir.

Q When did you see Katie Ridge back in the Indian Territory, in 1866? A I wasn't here in 1866, I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that is, they asked me the same questions you have asked me, they didn't ask me whether she was here in '66 or not, they didn't ask me that question at all, they asked me if I knew her and knew she belonged to the Cherokees before the war, and I told them I did.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q By what right? A By marriage.

Q You married Herman Ridge, brother? A Yes sir.

Q And by virtue of marrying Herman Ridge's brother you claim to be a citizen of the Cherokee Nation? A Well I never lived in the Cherokee Nation during his life, my present husband is a Cherokee.

Q Your present husband is a Cherokee? A Yes sir.

Q Where did you live during the lifetime of Mr. Ridge? A We lived at Fayetteville, Arkansas.

Q How long did you live there? A A year and four months, that was as long as he lived.

Q That was up just about the beginning of the war? A Well I think lived there until '59. I left there in the fall of '59.

Q Where was the farm located that the father of Herman Ridge owned in the Cherokee Nation? A Well I don't know, it was somewhere on Honey Creek, but I don't know anything about the farm, that Herman Ridge owned?

Q No, that Herman Ridge's father owned? A Yes it was somewhere on Honey Creek, but I don't know anything about the place; I never was there; I suppose that Dr. Polston lived on part of it, I don't know though whether it was or not.

Q How long after the close of the war was it that you saw Katie Ridge in Springfield, Missouri? A I never saw Katie Ridge in Springfield, Missouri, I saw her husband.

Q Oh, you just saw her husband? A Yes sir.

Q Was she there? A I don't know, he said he was living near Springfield, Henry Ridge told me he was living there near Springfield at the time I saw him.

Q But you didn't see Katie at all? A No, I didn't see her; I didn't see any of his family at that time.

Q When did you see Katie Ridge, first? A I saw her in '72 here in the Cherokee Nation, fall of '72.

Q Where did you see her? A I saw her on the road toward Southwest City on the old Vatie place, that's as near as I can tell you; I don't know exactly where on the road I saw her, I was horseback and met the wagon, I was with Dean Vatie's daughter, and she told me that was Uncle Henry and his family, and I stopped and spoke to him.

JOHN A. SHIELDS, being sworn by Commissioner Needles, testified as follows:

BY MR. HELL:

Q Tell that gentleman your name, your age and post-office? A Brown is my post-office; my name is John A. Shields; my age is 33.

Q Are you a citizen of the Cherokee nation? A I guess not.

Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through; we are one of those that got behind. I am not a citizen myself at all.

Q You are a white man, not an Indian? A Yes sir.

Q Where were you living in '66? A I was living 3 miles north of Southwest City, up on what is known as the "Old Road", line between the Cherokee Nation and Missouri.

Q Were you living 2 miles north of Southwest City or what is now called Southwest City? A 2 miles north of what is now Southwest City at the present time.

Q At the time you lived there was there a town on the present site of Southwest City? A Yes sir.

Q What was there? A Honey Creek without any thing more, there was a man's farm there, crossing of the road on the creek, there was no town or village there at all.

Q Can you state just when a store was first put up there and a town started? A I can't give the exact date, but directly after the war in '66 or perhaps '67.

Q Who was the first man that put the store? A John Stephens and J. F. Lawrence were the first ones.

Q Was there a post-office at Southwest City? A Well that kept a post-office there in the Cherokee Nation, I think the post-office was located.

Q Well the post-office was there in the store? A Yes sir.

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Q What was the place called when it was Honey Creek? A Honey Creek. Q Did it
Q How long did it retain that name of Honey Creek, or when, change
back to Southwest? A It remained Honey Creek until there was a
little village started up there and then it was changed to South-
west City.

Q Was that in one or two or three years? A Well yes, three years
perhaps, somewhere along in that range, I don't know just when.
I don't recollect the date as to when it was changed, but after the
town was started a little.

MR. MILLER: I don't believe I want to ask him anything.

JAMES M. MILL, being sworn by Commissioner Needles testi-
fied as follows:

BY MR. MILL:

Q Give me your name, age and post-office? A My name is James M.
Mill, aged 44, post-office Needmore, or Vinita, either one.

Q You are a citizen of the Cherokee nation are you? A Yes sir.
Q How long have you lived in this Cherokee nation? A Well with
some exception if a few intervals I have been here since '38.

Q Well you have been here 40 years or more? A Yes sir.

Q Were you acquainted with John Ridge's family? A Yes sir.

Q Do you know when John Ridge died? A He was killed the 22nd day
of June, 1839.

Q What did he live about? A He lived on Honey Creek, in Delaware
District.

Q Did he leave a family? A Yes.

Q Tell what they were if you can do so? A He had his first
child was not of sound mind, a girl, Rachel Ridge was the next,
Herman, Marcus, Andrew, Susan, Mary, Flora, Malston, continued
the family.

Q Well, how long did they continue to reside, or did they continue
us to reside in the Cherokee nation after John Ridge's death? A I
think they moved out immediately, out of the country; they didn't
remain long after the death of Ridge.

Q What became of them? A They moved to Benton County, Arkansas.

Q How long did they reside there, or did they continue to live
there? A They were living there when I was visiting the family
but afterwards moved to Fayetteville, that was in '40 something that
I was there.

Q That in Benton County? A In Benton County.

Q Then you say they afterwards moved to Fayetteville? A Yes sir.

Q Where is Fayetteville? A In Washington County, Arkansas.

Q You were acquainted with John Ridge were you? A Yes sir.

Q How old a man was he at the time of his death, if you know?

Q He was between 25 and 30, he was 25 I reckon between that and
30.

Q Well he was killed when? A He was killed in '39 I believe, in
'39, in the Cherokee nation.

Q Well his father was killed in '34, how old did you say he was
you think? A I think he was between 25 and 30.

Q Now where did he live and make his home? A He was with his mother
or he was a single man, had no family of his own.

Q He was with his mother? A In Benton County, Arkansas.

Q What did he join the army? A He joined in '38.

Q Well did he come from Arkansas to do that? A Yes.

Q Do you know of his ever having a family, location or home or how
location in the Cherokee nation after his father was killed and his
family moved out of the country? A Never did.

Q You were intimately acquainted with the family were you? A Yes
sir.

Q They were closely related to you very close? A Yes sir.

Q By blood, friendship, social relations or what? A It is my mother.

standing that we are related by blood, but what service I don't know, but the family were intimately acquainted.

BY MR. BELLETT:

Q. Where did you live just before the war? A. My father lived in what was called First district down here near Sailwell before the war.

Q. Where did the Ridges move from when you say they moved to Benton County, Arkansas? A. They moved from off of Honey Creek, Delaware District.

Q. That's in the Cherokee Nation? A. Yes sir.

Q. Well they kept up their farm after they went to Benton County, didn't they? A. Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long. Rollin Ridge was the oldest son, and moved back onto the farm with the expectation of restoring the old place I guess, and living there.

Q. Now were you there and knew all about this personally, did you see that? A. I saw Rollin Ridge there, yes sir, at the place.

Q. I will ask you if Peter Ridge, a slave, was not in charge of that place for the Ridges after they went out into the State? A. I don't know anything in regard to that.

Q. I will ask you if they didn't leave the territory because of the murder of John Ridge? A. That is the family?

Q. Yes. A. Left the country on that account. That's my understanding, yes sir.

Q. You don't mean to say that they abandoned their citizenship in the country? A. Well I don't know; it is my impression that they did.

Q. Why? A. Why it was impossible for them to live here.

Q. All you know is that they were out of the territory? A. Yes, I know that they were out of here.

Q. I will ask you now if a Mrs. Ridge, the mother of John Ridge, who lived in Benton County, there, Fayetteville, she didn't send her slaves back and forth from there and was in their farm to keep it up? A. I know nothing of that.

Q. Didn't she take supplies from that farm over to her house at Fayetteville to live on? A. She might have done so, but I know nothing of that.

L. B. BELL, being sworn by Commissioner Needles, testified as follows:

BY MR. W. HASTINGS:

Q. What is your name? A. L. B. Bell, 66 years old, Virginia.

Q. Where were you born? A. Well I was born in the State of Georgia I guess, Raverahan County, they tell me. I don't have no recollection of it.

Q. Where did you live when you were first old enough to remember, in the Cherokee Nation here? A. Well I think I was right down here below the Grand Saline, below that Frank Smith farm in 1843 when the whole world was flooded. I just have recollection of moving out of there, '43 or '44.

Q. Do you remember the Ridge family? A. Yes sir.

Q. Do you remember where the old Ridge place was on Honey Creek this side of Southwest City? A. Yes, I know what they called the Ridge place, on Peter's Prairie.

Q. Were you ever at that place prior to the war? A. On lots of times.

Q. Now who lived there, occupied it? A. Old Peter, the way I first got acquainted with John, Rollin Ridge, a son of John Ridge lived there, him and his family, and he had a son, John, and one more.

and had to go to California, left there and never came back and more. There was also one Peter, he was a son of John, but he was there, remained on the place I don't know.

Q. I guess later on the name of Dr. Volater, who married Peter, was Peter's son, I think. Peter's family, they lived there until he was killed, when I got

or 4 years.

Q Did you know Herman Hidge? A Yes sir, I knew Herman Hidge so far as I could recollect.

Q Where did you know him? A I knew him in Benton County, Arkansas first, next at Washington County, Arkansas, at Fayetteville.

Q Was he living at Fayetteville when the war came up? A He lived there and at Fayetteville from '48 up until the war as well as I could recollect him, and then he came and joined our regiment, that is the Confederate Army. General Watie was a kinsman of his and he joined the 1st Regiment that he was joining, and I think he was killed in '63, or maybe '62.

Q Anything else you want to state? A That's about all I know about that place, except that Polston re-occupied the place and lived there, - his wife died in about 1863, his heirs own it yet.

BY MR. MULLETTE:

Q You are chief counsel for the Cherokee Nation in the conduct of these Freedmen Cases are you? A Yes sir, supposed to be.

MR. MULLETTE: Well I believe if that is the case I will let you go.

MRS. M. M. WOODALL, being re-called and further examined, testified as follows:

BY MR. HULL:

Q Did Herman Hidge keep his slaves, was this Kate up there in Washington County while he lived there? A Yes sir, they lived right there.

BY MR. MULLETTE:

Q Did she remain in the Cherokee Nation at any time after the war while you were there? A Not that I know of.

Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.

Q Now the descendants of the Hidges are still citizens of the Cherokee Nation are they not? A Yes sir.

Q The Washbourns? A Yes sir.

Q What relations are the Washbourns to Herman Hidge? A Mrs. Washbourn was Herman Hidge's sister, the children are Herman Hidge's nieces & nephews.

Q Where was Mrs. Washbourn living when you were living at Fayetteville? A She was living at Fayetteville.

Q And did she live after the war? A At Fayetteville.

Q No, where did she live after the war? A When I knew her after the war she lived here in the Cherokee Nation on Honey Creek.

Q This Mrs. Washbourn was Herman Hidge's sister and lived at Fayetteville with Herman Hidge, came back to the Cherokee Nation after the war as a citizen? A Yes sir.

Q She was a young lady at the time she was living at Fayetteville? A She was a married woman.

Q Married to Washbourn? A Yes sir.

Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after John Hidge was murdered? A Well I don't know why they went, I wasn't in the family then.

Q They all came back to the Cherokee Nation after that? A Mrs. Washbourn and her family and Polston and his family came back.

Q Polston married Herman Hidge's sister? A Yes sir.

Q Did he leave the Territory during the war? A I wasn't here during the war, I don't know anything about it.

Q Where was Polston living when you went into the Hidge family in '48? A He was at Fayetteville.

Q He is back in the Cherokee Nation? A I think it is so now. A He is not living now.

Q He came back into it after the war? A Yes sir.

Q I will ask you if they were not taken out of the Cherokee Nation because of the war? A Yes sir, they were taken out of the Cherokee Nation because of the war.

File with

William Hastings, J. P. D. No. 100
Commissioner of the Interior,
Department of the Five Civilized Tribes,
Wichita, K. T. October 8, 1901.

SUPPLEMENTAL EXHIBIT to the report of the application of Jesse Vann,
P. T. D. 254.

Appearances:

W. W. Hastings for the Cherokee Nation.
Applicant present in person.

O. L. Lynch being first duly sworn by Com'r T. B. Needles,
testified as follows on the part of the Cherokee Nation:

- Q By W. W. Hastings: A O. L. Lynch.
- Q What is your name? A O. L. Lynch.
- Q What is your age? A 60.
- Q What is your post office address? A Stillwell.
- Q What is your father's name? A J. W. Lynch.
- Q Where were you living before the war? A Over the river on Grand river in Saline district, Cherokee Nation.
- Q In the north end of Saline? A Yes sir.
- Q Was your father dead at that time—before the war? A He died in '61, when the war came up.
- Q Did a colored man belong to your family named Steve Henry or Steve Lynch? A Yes sir.
- Q What name did he go by? A Steve.
- Q Did he have any children? A Yes sir.
- Q Do you know any of their names? A He had one named Jennie and a step son named Jey.
- Q Did he have any more when children before the war? A Will.
- Q Was he the man belong to? A My father when the war come up.
- Q Where did you go during the war? A I went south.
- Q What was the mother's name, of Jess and Will? A Peggie.
- Q You went south during the war? A Yes sir to Missouri and Texas.
- Q Well, did you own any property in the north end of Saline district when the war came up? A Yes sir.
- Q When did you come back after the war? A February '67.
- Q Where to? A I come back to Saline district and to different districts.
- Q To your old home? A Yes sir.
- Q For what purpose? A I had an interest there.
- Q How long did you stay there in February of '67? A I dont recollect exactly how long I staid there, not right on the old place very long.
- Q I mean in that neighborhood? A 2 or 3 months I reckon.
- Q Did you see anything of your old slave Steve? A I dont recollect seeing him at that time in '67.
- Q Was he living on the old place at that time? A No sir he wasn't.
- Q What did you do after the war? A Sold it.
- Q When? A I dont recollect.
- Q What did you do with it that year you first came there? A Rented it.
- Q Who to? A Mr. George.
- Q George Harp? A Yes sir.
- Q Is that George Harp's father-in-law? A Yes sir.
- Q Now you say you were around there for two or three months that time? A Yes sir longer than that off and on, I went to Flint district and back again between '67 and '68.
- Q Did you meet any of your old slaves there? A Yes sir.
- Q Well, name some of them you remember? A Met Edmon Anderson, art and one named George. His name's family and and old lady named Peggie.
- Q Do you remember Anderson pretty well? A Yes sir.
- Q What other name did he go by? A Art.
- Q Did you rent him a part of that place that year? A Yes sir, I had a little place of my own that I rented him.

Q Separate place? A Yes sir.

(By Mr. L. B. Bell, Cherokee Representative)

Q What was that place you rented to him called? A The Harrison place.

Q Where was that? A A and a half mile below, on the river.

Q Above or below Island Ford? A Below.

Q How long did Crap stay there? A I don't know exactly.

Q Did you sell it to him afterwards? A Yes sir.

Q When? A The fall of '67.

Q Was you there when Crap made a crop there? A Yes sir.

Q Did this Steve help him make that crop? A No sir, he wasn't there when I rented that place.

Q What was Peggie's name—Steve's wife? A Indian Peggie.

Q You had two Peggie's as slaves? A Yes sir.

Q Steve had a wife before he married Peggie? A Yes sir.

Q What was her name? A Hannah.

Q Did you see any of Steve's family? A No sir.

Q Neither his wife nor children? A No sir not at that time.

Q When did you first see Steve up there? A I can't say exactly, some time in '68, but I don't know when he came there.

(By the Commission)

Q Who did Steve Lynch belong to? A Joe M. Lynch.

Q Did you know Jess Vann, his step son? A Yes sir.

Q Was he a slave? A Yes sir.

Q Who did he belong to? A J. M. Lynch.

Q Where did they go during the war? A Yes, I understand.

Q Do you know when they returned? A No sir.

Q The first time you saw them was in '68? A Yes sir.

Q Where they were in '68 you don't know? A No sir.

Q What time did you sell Anderson Lynch the old Harrison place? A I don't recollect exactly, I rented it to him in '67 and I think I sold it to him in the fall or winter of '67.

Q Are you sure of that? A To the best of my recollection.

Q When did you come back yourself? A '67.

Q You went out during the war? A Yes sir.

WALTER WEST, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Mr. L. B. Bell)

Q What is your name? A Walter West.

Q What is your age? A Spavinaw.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q How long have you been that? A Little over six years.

Q Where do you live at during the beginning of the war? A I lived on Spavinaw.

Q That might be most anywhere; don't you know what State, Nation or where? A Saline District, Cherokee Nation.

Q Did you go out of the country during the war? A Yes sir.

Q Where did you go? A South.

Q When did you return to the Cherokee Nation after the close of the war? A Spring of '66 that is when I came here.

Q Where did you settle—did you settle where you are now? A No sir I jumped in a tent on the old Military road on the Neesho River the first place.

Q Where did you get a house to live in? A I had a tent then.

Q Well, what did you quit the tent and go to living in a house? A As well as I can recollect it was the winter of '66 I got my lumber and in the spring of '67 I built.

Q Where? A On the Military road below Cabin Creek in Delaware District.

Q How far from where the Military road crosses Cabin Creek? A About a half a mile.

Q Were you acquainted with old man Joe Lynch in Saline District, Cherokee Nation? A Yes sir.

Q Did you know a colored man named Steven? A Yes sir.

Q Did you know his family? A Not just that time.

Q Did you ever meet him after the war? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q Where and when? A Spring of '68, February or March at the old Lynch farm.

Q Was he living there then? A He told me he had just moved in the day before, I rode up to the fence and he came out on the porch and I never got off my horse,

Q Where did he tell you he came from? A From Kansas, he said.

Q That was in the spring of '68? A Yes sir.

Q Was that the first time you saw him there? A Yes sir.

Q Did he have any family with him then? A I never saw any, I never got off my horse as I never had no business there, just rode up to the fence and talked with him.

Q Do you know this applicant here, Jesse Vann? A I do now, but I didn't at that time.

Q Did you know at that time that he was Steve Lynch's step son? A No sir.

Q When did you learn that? A Afterwards.

Q How far is it from where you live to where Steve Lynch* stopped that day? A Two and a half or three miles.

Q How far from the mouth of Cabin creek was that to where you lived? A About two and a half miles.

Q You met him on the east side of Grand river did you? A Yes sir.

Q What place did you say it was? A The old Lynch place.

(By applicant or witness)

Q In the first place I would like to know where was Steve Lynch living when you moved there and went to hauling that lumber for to build that house? A He was in Kansas I reckon, that is what he said.

~~Q What is that he said~~ (This question cut out by request of applicant)

Q Next question: When you met Steve Henry, did you know where he was living at that time? A He didn't have any place at that time.

Q I understood that you didn't have any business to get down off'en you horse so how could you know he had no place? A Well that was Lynch's house where I saw him.

Q I wants to know if this Steve Henry told you what place he was living on at that there time? A He never told me that—I told you that he said he had just moved in the day before.

Q You say you met him on the Lynch farm when he first came in? A I didn't meet him, I rode by there and stopped and he was there at the house.

Q Was he horseback or standing? A He was standing on his feet talking to me.

Q Where did you live at that time? A This side of the river.

Q In a house? A Yes sir.

Q How far from Grand river? A Two and a half miles.

Q You never knew this woman that they called Indian Peggie before the war did you? A Yes sir.

Q Who did she belong to before she belonged to Joe Lynch? A To a full blood Indian who lived on Rose Prairie named Watt Stopp.

Q Do you know when Lynch bought her? A Just before the war.

Q Then you knowed the whole family all but the children? A I knowed Steve and Peggie.

Q When Peggie was sold did she have any children? A I dont remember how many children she had.

Q Dont remember? A (No response)

Q How long did you know her before the war? A I knowed her about 5 or 6 years maybe longer.

Q You knew that she belonged to some full blood before the war but didn't know his name? A I told you it was Watt Stopp.

Q How far did you live from him? A 4 or 5 miles.

Q How long did you know him? A I never went to his house except when he was preaching, he and my grandfather used to preach together and I went there then.

(By the Commission)

Q You know Steve Lynch before the war? A Yes sir.

Q He was a slave? A Yes sir.

Q You didn't know Jess Vann, his step son? A No sir not until after the war.

Q All you know of Steve Lynch's returned to the Cherokee Nation is what he told you? A Yes sir.

Q All you know of where he lived before his return was what he told you? A Yes sir.

Q Peggie, Indian Peggie, was his wife? A Yes sir.

Q Was she there when you saw him first? A I never saw her that morning, I saw her a few weeks afterwards.

(By Bell)

Q Where did Steve Henry settle after '68? A On the south side of Grand river, or east you might call it, below Island Ford two miles.

Q How far from the Lynch place where you first saw him? A Mile and a half.

(By the Commission)

Q Is this Steve Henry and Steve Lynch the same man? A Yes sir.

Q You have no doubt in your own mind as to this being in '68? A No sir.

Q You were out yourself during the war? A Yes sir.

Q When did you return? A In '66.

Q And you are satisfied that it was two years after you returned that you saw him? A Yes sir.

GEORGE W. CLARK being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Hastings)

Q What is your name? A George W. Clark.

Q What is your age? A 52.

Q Are you a citizen of the Cherokee Nation by blood? A Yes sir.

Q Did you live in the Cherokee Nation before the war? A Yes sir, all my life.

Q Were you in the Northern army during the war? A Yes sir.

Q Where did you locate just after the war? A On Lynches Prairie, Saline District, Cherokee Nation.

Q On Grand river? A Yes sir in the neighborhood where I am living now.

Q Did you know old man Joe Lynch before the war—father of Lon Lynch?

A Yes sir.

Q Do you know this Lon Lynch who just testified in this case? A Yes sir.

Q Did you know a slave that belonged to the family named Steve Lynch or Henry? A Yes sir, I knowed him before Lynch owned him, as Buffington.

Q Did you know his wife, Peggie? A I know her after the war.

Q Didn't know her before the war? A No sir.

Q Did you know their children? A Yes sir.

Q Name some of them? A I seed a couple of them—her children—my understanding was that they was her children—uncle Steve's step children, one was named Jess and one was named William.

Q What time did you come back here after the war? A As soon as I was musteredd out I came back there and married her and have been there ever since.

Q Come back when? A '65.

Q Who owned that place before the war that you went to when you returned?

A Joe Lynch, during the war the Northern Indians sold the Southern Indians places and my father in law bought it.

Q Where did you live in '65? A Right below my father in law, four miles below him.

Q Where did your father in law live in '65? A On the Joe Lynch place.

Q What was your father in law's name? A George W. Saraper.

Q He is dead now? A Yes sir.

Q When did you first see this Steve Lynch or Henry after the war? A He

came on a visit down there in the fall of '67 and stayed there with some other colored people that belonged to the Lynch family, George and Simon.

Q Was his family there? A No sir, he was on a visit by himself.

Q Did you see him? A Yes sir.

Q Where did he say he was from? A Kansas.

Q Where was his family then? A He said in Kansas.

Q What was in '67? A Yes sir.

Q When did you next see him? A Fall of '68.

Q Was his family there then? A Yes sir.

Q You know this family well do you? A Yes sir, they live close to me.

Q How far do they live from you? A 3 or 4 miles, from where I lived then and now three and a half miles according to the measure line.

Q This is the same Steve? A Yes sir the same one.

Q Same one that you had a talk with in the fall of '67? A Yes sir. There was a colored man that used to belong to uncle Joe that was named George and he was a blacksmith and had a shop up there and did the neighborhood blacksmithing, I saw Steve there when I went to have some blacksmithing done.

Q He never made a crop on the old Joe Lynch place in '66? A No sir, my father in law made a crop there that year.

(By L. B. Bell)

Q Did he make a crop on the Harrison place in '66? A No sir it was a vacant place then, no one lived on it.

(By applicant of witness)

Q How long before you saw Steve Henry before you moved to the Dirsteater place? A I moved to the Dirsteater place before '68.

Q When you didn't know Steve Henry before you moved to the Dirsteater place? A Yes sir I knew him before the war.

(By the Commission)

Q Did you know this applicant here? A Yes sir I know him.

Q Was he up there at that time? A Yes sir they was the old lady's boys, my understanding is that these two boys is only step children of old uncle Steve.

Q Did you know these two boys before the war? A No sir.

Q If Steve came there into the country and located a place before that you don't know it? A No sir.

Q The first time you saw him was in '67? A Yes sir after the war.

Q He had been a slave? A Yes sir, belonged to Buffington before he belonged to Lynch.

=====

This will be filed in the following Cherokee freedmen doubtful cases:
D-254; D-516; D-190; D-651; D-636 and D-509.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 14th of October, 1961.

Chas. von Weise

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, I. T., April 19, 1902.

In the matter of the application of James Vann and others for enrollment as Cherokee Freedmen.

Applicant represented by Lewis E. Brown, Vinita, I. T.
Cherokee Nation represented by James S. Davenport.

JOSEPHINE HUMISTON, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Josephine Humiston.

Q Where do you live, Mrs. Humiston? A I live in Linn County, Kansas.

Q How long have you lived in Linn County, Kansas? A I have lived there the greater part of the time since '87. I have been out of the county a few times on visits, and was away some eight or ten months at a time, but that's been my home ever since '87.

Q Since you lived in that county did you get acquainted with a colored man by the name of Stephen Lynch? A Yes, sir.

Q When did you first get acquainted with him? A I must have seen him first in the fall of '89 or winter. I won't be certain whether it was in the winter or fall, but I think it was in the fall.

Q Do you know whether or not he had a family? A Yes, sir, he had a wife and some children.

Q What was his wife's name, if you know? A Feggie.

Q Do you remember the names of any of his children? A The older boy they called Jesse, and Will, and Vinny the eldest girl, and I am not positive which of the others was the elder, Julia Ann, and one called Fannie. I think Julia Ann is probably the eldest one. Those children he brought there to the place when he came.

Q Well, now, on these places did I understand you to say they lived; after you got acquainted with them where did they live on? A They lived on my husband's place, William B. Emerson, that's my first husband.

Q You say that the children you have named they were in the family when they moved on the place? A When they moved on the place he brought these four children with them.

Q While they were living on your place were there any children born to the family? A Three others.

Q What were their names? A Fannie was one, and Nettie and Sarah, but Sarah died when she was small, Sarah died when she was probably about two months old.

Q Well, about how long did they live on your place or about what year did they leave or move away from the place? A They moved in the fall of '97.

Q Your husband was a man of business conducting affairs, and kept accounts with the different parties that was on the farm? A He was always particular in keeping his accounts. He was the surveyor of Linn County, and had a great deal of business, and it became necessary for him to keep them in good order.

Q Do you know whether or not during the year '97 he kept an account between himself and Stephen Lynch, a book account? A Yes, sir.

Q Do you know where that book is now? A I have had it in my possession all these years.

Q Is that husband living or dead? A Dead; he died in '98 I think.

Q Would you recognize his handwriting if you should see it? A Yes, sir, I would.

Q If when you would examine the book that I hand you and see whether

or not the account on page 17 of that book is in the handwriting of your deceased husband, Mr. Emerson? A Yes, sir, that's his handwriting; I will swear to it.

Q As I understand, you have had this book in your possession since the death of your husband? A Yes, sir.

Q You knew Stephen Lynch's family quite well because they lived on the farm there for several years? A Lived on the farm, they raised five crops on the farm.

Q You don't know where those older children were born that you speak of? A No, I don't.

Q Do you know whether or not Stephen's children, the older ones that you named, are children by another husband of Peggie's? A I think they were children by another husband.

Q You don't know that or anything about it? A Only as I have heard them say so. I have heard Peggie speak of it frequently, that those older children were not Steve's.

Q I want to introduce the entries on page 17 that have been identified by the witness as being in the handwriting of her deceased husband, which book she states has been in her possession continuously since the death of her husband:

*17.

Stephen Lynch,		Dr.	A. D. 1867.	Emerson.	A. D. 1867.	Cr.
July 6th,	By labor five days,		15		\$ 50	
" 15th,	By three days labor,		14		3 00	
" 20,	By four days labor fall. 90		"		4 00	
" 23,	By four days labor hoeing corn				1 00	
" 26th,	By one-half days labor by S.A.J.		18		30	
" 28th,	By one-half days labor by S.A.J.				75	
" 30th,	\$ 3/4 gallons				75	
August 5th,	To cash		16		22 30	
					23 05	
August 31,	By collar ditch,		16		8 00	
	Labor by Peggie				25 85	
August 15th,	To cash		17		10 00	
Sept. 20,	To threshing wheat		22		1 10	
October 8,	To cash		22		8 50	
" 14,	By cash		"		8 50	
" 21st	By cash		"		55 13	
August 15th,	By 10 days work		17		10 00	
August 16th,	By one days work		18th		1 00	
Sept. 3d,	By hauling wood		19		80	
" 30th,	\$ 75 acres seed		21		60 70	
"	By fodder				12 40	

MR. EMERSON: Mrs. Emerson, at the top of this page referred to I was there has been some name there written before the word Stephen was written; can you tell me what that word was? A No.

Q Don't know what name was there before the word Stephen was wrote over it, do you? A No, sir, I don't; I don't know that there was any such name there; of course a person might make a mistake in writing.

Q Now how long did this man Stephen Lynch rent a place from your husband? A He raised five crops.

Q Raised five crops? A Yes, sir.

Q When did he raise the first crop? A In the year '65.

Q Well, where was he when he raised it? A He wasn't on the place;

don't know where they was; he was there all through those years.

Q There was no Emersons, was there? A No one at the place or at least his family was.

Q And during the month of December, '86, where was he? A If he was off of the place I didn't know it; I don't know where he was, he was on there I think.

Q It was possible for him to have gone away from that place and stayed as much as ten days and you not know it? A No might have done it.

Q He could have done it without you knowing it; you didn't have no occasion to know when he went and where he went, did you? A No, sir, not at all times.

Q Now then, if this applicant claims to have come to the Cherokee Nation in the month of December, '86, and stayed three or four or five days, are you prepared to say that he didn't come? A Not to my knowledge he didn't.

Q But you wouldn't swear positively that he wasn't here three or four days in the month of December, '86, would you? A I have no knowledge of it whatever.

Q Well, I say you wouldn't swear positively that he wasn't here three or four days during that month in that year? A Well, I think I could certainly say no, he wasn't.

Q Well, were you away from the farm any time during the years from '85 to '87? A Not any length of time.

Q For how long a time would you be away? A Not more than two days at a time.

Q Not more than two days? A No, sir.

Q Well, now you spoke of being away eight or ten months, was that during that time or since then? A Years and years since, probably fifteen years ago; not while they were there though.

Q There were a great many colored people in that neighborhood at that time that come from the Territory, were there not? A Well, I didn't know where they come from, there were quite a number come to visit Steve while he was on my place.

Q Well, now, Mrs. Humiston, do you know any colored family that left there in the fall of '86? A I do not.

Q You wouldn't have remembered anything about Stephen Lynch being there during the year '87 if it hadn't been from the fact that you have this book, would you? A Certainly I would; I remember well when he left if I hadn't seen that book.

Q How many years ago has that been? A It was the year of '87 I guess.

Q It's been about thirty-five years ago, has it not? A Yes, sir, I should say it has.

Q Is there anything to impress the leaving of this man upon your mind or your memory? A Yes, sir, we saw him leave the place.

Q Well, you have seen other people leave, haven't you? A Yes, sir.

Q Do you remember the month and the year they left thirty-five or six years ago? A Well, I didn't remember the month to be sure, but I know it was after the crop was laid by and gathered and everything.

Q Well, now, during the winter months there wasn't much to do on the farm was there? A My husband always hired his work done; he was away from home, and always hired his work done, hired Steve to attend to everything on the place.

Q Well now did your husband hire Steve Lynch during the year '86? A Yes, sir.

Q Does this book show any record that he was hired? A No, not that book.

Q Have you any book that does? A I had a diary, but I didn't bring it.

Q Did you look in that diary before you left home to see whether or not that it showed that he worked during that year? A No, sir.

Q And notwithstanding the fact that this man worked for your husband five years this is the only record that he had so far as you know as to that work was done by him at that place? A Well, I think that he didn't keep his books in that place so he had it mixed up with

diaries before that. You see that this began about that time I think.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-261, D-190, D-518, D-509, D-538, and in the case at bar, No. D-264.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 24th day of April, 1908.

[Signature]
Notary Public.

Cher Fr D 637

Cher Fr D 637

To be filed in the case of

Geo. Looney

O.R.D. #637

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 7, 1901.

In the matter of the application of Jane Looney for enrollment as a Cherokee freedman.

Appearances:

Mallette & Smith, attorneys for applicant.

J. A. Davidson, of council for Cherokee Nation.

Jane Looney, being duly sworn and examined by Commissioner Spear-
Warden, testified as follows:

- Q Give me your name? A. Jane Looney.
Q How old are you? A. I guess I am about 57 or 58.
Q How what is your post office? A. Centralia.
Q In what territory do you live? A. Seingsenake.
Q Of Seingsenake which? A. Seingsenake.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Do you want to apply for anybody besides yourself? A. Yes sir, I have 7 children.
Q Are these children all under 21 years of age? A. Yes sir.
Q Are they all unmarried? A. No sir, some of them married, one girl is married, two girls married.
Q Then you have only five of them? A. Well, I have one boy married, he is in the pen, he isn't here.
Q How many of your children are over 21 years of age? A. All of my children are over 21 years of age.
Q Have you got a husband? A. No sir, my husband is dead.
Q Then you apply only for yourself? A. And two grandchildren.
Q Are these grand children orphans? A. Their father is dead, their mother is not.
Q Well, let her apply for them? A. They live with me.
Q Well let her apply for them? Is that all you have in your family?
A. Yes sir.
Q Is your husband dead? A. Yes sir, my husband is dead.
Q How long have you lived in the Cherokee Nation? A. Ever since I have been born.
Q Were you ever during the war? A. I went out and staid a while.
Q Give me the name of your father? A. My father was dead before I can recollect him.
Q Give me the name of your mother? A. Rebecca Wright.
Q Is your mother dead? A. Yes sir.
Q How long has she been dead? A. Been dead ever since slavery.
Q Were you a slave in the Cherokee Nation when the war began? A. Yes sir.
Q By whom was you being? A. Bill Wright.
Q Was he a well known Cherokee citizen? A. Yes sir.
Q How many times have you been married? A. Once.
Q How long since you married? A. I have been married ever since I was married in slave times.
Q What was your husband's name? A. James Holston Looney.
Q How long has he been dead? A. Been dead going on 5 years.
Q Was he a Cherokee freedman? A. Yes sir.
The above authenticated roll of the Cherokee Nation and the applicant not identified thereon.
The roll contains roll of Cherokee freedmen examined and the applicant not identified thereon.

The Kane-Clifton roll examined and the applicant identified
thereon page 174 No. 2369, Co. 100000000000 district.

Q You went out during the war, did you? A. Yes sir.

Q Where did you go? A. Springfield, Missouri.

Q Did your husband go with you? A. Yes sir.

Q When you came back did your husband come with you? A. Yes sir.

Q You and he went out together and came back together? A. Yes sir.

Q And then lived together all the time after you came back? A. All the time, yes sir.

Q What time did you come back after the war? A. He came back in the winter along just before Christmas.

Q In what year? A. In the year of 188, I think.

Q What time of the year? A. Just about four weeks before Christmas.

Q Well, how come it you are not on the roll of 1880? A. Because the old man didn't try.

Q Well, did you ever apply, or did your husband ever apply for you and the family, to any court in Raleigh, or any other court? A. No sir.

Q He wasn't before the District Court or the Chambers Court back in '70 or '71? A. No, he never was.

Q And you think that no effort was made to get on the roll of 1880?

A. No sir, I don't think there was.

Q How many children have you got? A. Seven.

Q Give me their names? A. Frances.

Q How old is Frances? A. I don't know how old Frances is, she was born in slave times.

Q Is she married now? A. Yes sir.

Q What is her name now? A. Frances Smith.

Q How what is your next child? A. Ellen Adams.

Q How is married, is she? A. Yes sir.

Q What is your next child? A. John Rooney.

Q How old is John? A. I think he is 29 years old, he may be older than that.

Q Give me the name of your next child? A. Rosetta Rooney.

Q How old is that child? A. I think she is 28 or 29 years old, I think.

Q Is she married? A. She has been married, her husband is dead.

Q Does she still go by the name of Rooney? Does she go by the name of her husband? A. That is the way we put her down.

Q What is the name of her husband? A. Birch Roosen.

Q Well, your next child? A. Lucinda Wrenn.

Q She is married, is she? A. Yes sir.

Q About how old is Lucinda? A. She is about 27 or 28 years old, I don't know what I don't know nothing about their ages.

Q Which one next to Lucinda? A. George.

Q How old is George? A. George is 22.

Q Now what is the next child? A. That is all, no, Henry.

Q How old is Henry? A. Henry is the oldest.

Q How old is he? A. I can't tell you.

Q Is he older than Frances? A. No sir.

Q Is he older than Ellen? A. Yes sir.

Q Mr. Devanport. Where were you living when the war came up? A. Living in going alone.

Q Where did you go when the war broke out, if you ever left the country? A. Springfield, Mo.

Q Well now, how long did you live at Springfield, Mo.? A. We didn't stay there a year.

Q Did you go to Springfield about the time the war broke out? A. No, we went there along during the war.

Q Well, where was your daughter Frances born? A. Born in slave times.

Q Where was she born? A. Born in slave times.

Q Where was she born? A. Born in slave times.

I I think she was either five years old or six, I don't know which.
Q Where was Henry born? A He was born, I don't know where he was
born at, either in Kansas or Springfield, I don't know which, because
we were traveling all the time.
Q The fact is, you have never had any permanent place of living
since the war? A No sir.
Q How long did you live in Kansas? A Never lived in Kansas.
Q How long did you live in Missouri? A I just traveled around in
Missouri, I don't know how long we did stay there.
Q About how many years did you stay there? A I can't tell you.
Q Did you stay there three or four years? A I think we staid there
two years, I think.
Q Well, where did you go from Missouri? A Came on back down here,
camped along, we were traveling by ourselves, nobody with us, went
by ourselves and came by ourselves.
Q After you got back down here, then where did you go? A Went over
on the river here to my sister in law's on the Verdigris; met the
Verdigris, the Grand river, and staid there two or three weeks.
Q After you staid over on Grand river, where did you go? A Went on
Big creek.
Q How long did you stay on Big creek? A Staid there ever since we
have been here.
Q You never lived on Reuben creek? A No sir, the old man has been
over there.
Q Haven't you lived in Arkansas a while since the war? A No, sir, I
know of it, we did I didn't know it was there.
Q Didn't your husband and you go over there and live near Cape Hill,
Arkansas after the war with a man named Fisher? A I don't know noth-
ing about him.
Q About five miles from Cape Hill, Arkansas; didn't you live over
there a while? A No sir, not as I know of, we just traveled all
the time, we never staid anywhere hardly any time, didn't stay
traveling.
Q Never had a home anywhere since the war? A Not till we came to
Big creek.
Q How long have you been living on Big creek? A Ever since '65.
Q Well, now didn't you and your husband go to Leavenworth, Kansas,
and live there a little while there with a fellow by the name of
Tom Root? A No sir, I don't know nothing about him.
Q Did you ever know such a man as Tom Root? A No sir.
Q Well how is it you remember you came back here just four months
before a certain Christmas in '66? A Because I had my oldest boy,
he was born, he was 2 years old in the year '65.
Q How old is he now? A Well, I don't forget, how old he is now I know
he was 2 years old the year the treaty was made, he was two years
old, he was born in '64.
Q How old is your oldest boy now, do you know? A No sir, I can't
say, I forgot.
Q You know he was born in '64? A Yes sir.
Q What time of the year was he born? A On the 4th day of July, 1864.
Q Now when did you go to Springfield, Missouri? A We went there
during the war.
Q What time during the war? A I can't tell you nothing about the
year and months.
Q You told me about '66, can't you tell me when the war broke out? A
No sir.
Q Did you go to Springfield after the war broke out? A I don't know,
we went out, we staid down till the
Confederates run us away.
Q About how long was it after the war began that you went to Spring-
field? A I can't tell you.

Q You certainly have some idea, was it a year or two years? A I guess it was two or three.

Q Well, you staid there about a year? A Yes sir, I guess we did.

Q Now you staid there longer than that? A No sir, we didn't we just traveled.

Q Did you go direct from the Territory to Springfield, Mo? A Yes sir, we went from the Territory to Springfield, and we were just by ourselves, and nobody wasn't with us.

Q Now your child, Frances, you say was born in the Cherokee Nation A Yes sir.

Q Was she born after you came back from Springfield, Missouri? A She was born in slave time I tell you.

Q She was born before you went to Springfield? A Yes sir, she was born a slave.

Q She was born on the 4th day of July? A No sir, the boy.

Q Well, how old was Frances when you went to Springfield? A I think Frances was either 6 years old, I don't know which, or seven.

Q Was she born before you went to Springfield, or after you got back? A No, he was born when we went to Springfield.

Q Before you went? A Yes sir.

Q When you left the Territory for Springfield sometime after July 4, 1864? A Yes sir, I think that is it.

Q Now you staid about a year at Springfield? A No we didn't stay any year at Springfield.

Q Well, how long did you stay? A I think I told you how long we staid; if I knew the numbers and dates I could tell you, but I can't tell you, because I just can't say.

Q Was it less than a year? A I don't know, we staid about something near a year.

Q Did you go direct from Springfield to the Cherokee Nation? A Well the way we traveled around, it would take us a long time, because one way or the other.

Q When you started from Springfield, was your objective point the Cherokee Nation? A Yes sir, come to the Cherokee Nation.

Q How long were you making the trip? A I don't know, because one way or the other.

Q Where were the children? A I had one in my lap and the other in mine.

Q How long were you making the trip? A I don't know sir.

Q Did you come by Fort Scott? A No sir.

Q Heavenworth? A No sir, we didn't we didn't come that way, we come through the woods.

Q To what point in the Cherokee Nation did you come when you returned? A I can't tell you.

Q Do you know what district it was in? A No sir, because I didn't know the names of places or districts.

Q Did you come by any point in Arkansas before you come to the Territory? A I think we came to a place they called Searsville. I think that is the way we came.

Q You didn't go from Springfield to Sans Hill? A Yes sir.

Q Was the time your husband and family was over there and he was working far richer over to Sans Hill? A No sir, we never lived at Sans Hill.

Q Do you think you were as much as a year coming from Springfield to the Territory? A I think we were.

Q You traveled pretty much all the time, didn't you? A Yes sir, and we traveled till we got tired, and then camped in the woods.

Q Did you stop and rest along the road? A He would go out and work a little, get enough grub, and they start again.

Q How long would you work on one place? A Sometimes a day and sometimes not a day, just get something to eat.

Q Sometimes a day and sometimes not a day, just to get something to eat.

Q You were not more than a month at any one time, the time from spring to the fall? A No, sir, I guess not.

Q (Mr. Hollister) I want to ask you one more question when you first came to the territory? A Came to my sister lady, Peter Williams' wife.

Q Lived where? A She lived on Grand River, that is one first place.

THE WITNESS, having been sworn and examined by Commissioner Washington, testified as follows:

Q Give us your full name? A John Hardison.

Q How old are you? A 41.

Q What is your past office? A Sheriff.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Were you during the war, were you not? A Yes sir.

Q Were you on the roll of 1867? A No sir.

Q (Mr. Hollister) Do you know the applicant, Jane Loney? A Yes sir.

Q Do you know her husband, William Loney? A I knowed her husband.

Q Did you know them before the war? A I knowed her husband before the war.

Q You didn't know Jane before the war? A No sir.

Q Well, where did he live before the war? A Lived at Marshall's, down in the Cherokee Nation, George Marshall.

Q Who owned him? A George Marshall.

Q Was George Marshall a Cherokee Indian? A No sir, his wife was.

Q He was a white man? A Yes sir.

Q Well, do you know when this applicant and William Loney returned to the Cherokee Nation after the war? A I don't know, I know when William came to my house.

Q Well, when did he come to your house? A In the summer of '68.

Q Where did he come to your house? A On Grand River, in the Cherokee Nation.

Q You didn't see this applicant then? A No sir, I didn't see her, William came himself and he was looking for his sister.

Q You don't know where she was? A No sir.

Q Do you know what became of William after that? A No sir, I don't.

Q Did you see him any more? A I seen him two or three at '7 years after that.

Q Where? A He was over here at Vintha.

Q Do you know where he lived at that time, when you saw him at Vintha? A No sir, I don't.

Q (Mr. Hollister) You are satisfied that when you saw this William Loney over there in the summer it was '68 or '69? A Yes sir.

Q It was earlier than Christmas, or December? A It was in the summer.

Q It was earlier than four weeks before Christmas? A It was in the summer.

Q You don't know where they had been living prior to that time that you saw him there? A No, I don't.

Q And you don't know where they lived since that time? A No sir.

Q (Mr. Hollister) Do you know anything about this woman being married to William Loney? A No sir, he says that when he said he was a wife.

Q Did you never see his wife in those days? A No sir.

Q How long had you known this woman? A I never saw her until she came to the court.

Q (Mr. Hollister) When did he tell you he was a wife? A Over at the office.

THE WITNESS, having been sworn and examined by Commissioner Washington, testified as follows:

Q Give us your name? A Charles Hollister.

Q And you are now 70 years old.

Q Is your post office? A. Enderson.

Q How long have you lived in the Cherokee Nation? A. Been living here

Q You got married the war on, is that right? A. Yes sir, I wasn't in the war.

Q Did you go out of the Cherokee Nation while the war was going on?

Q I went away to the Cherokee Nation.

Q Did you ever live in the Cherokee Nation?

Q Yes, I did. Charlie, do you know the applicant her, Jane Leoney?

Q Yes, I know her. A. Yes sir.

Q Well now, when did you first see them after the war? do you remember?

Q I saw him in '88 in Fort Gibson.

Q Where was she? A. He said he left her on Grand river, he told me;

Q She wasn't with him at all, he was by himself.

Q Well, when did they move up on Big Creek, do you know anything

about that? A. No, I don't know just when they moved up there, I don't

know.

Q Did you get acquainted with them up there? A. I got acquainted with them after I came from Fort Gibson up here, when I went where they had come moved to.

Q Where were they living then? A. They were living out on the prairie, out on the east side of Big Creek.

Q In what territory? A. In the Cherokee Nation district here.

Q About when was that that you came up from Fort Gibson and found them there? A. That was along somewhere in '70.

Q Mr. Davidson, I saw you saw Balston Leoney at Fort Gibson in '88, is that right?

Q When time in the year was that? A. Why it was along a while, just a while before Christmas, little while before Christmas.

Q Now then if Balston Leoney testified in 1888 that he never returned to Fort Gibson at all, was that true or untrue? A. If he gave such evidence as that in 1888, that he never did return to Fort Gibson, is that true or untrue? A. I saw him there.

Q I asked you, if he testified that, was it true or untrue; in giving his testimony before the Sam-Clifton commission, if he gave such evidence as that, was it true or untrue? A. I can't answer that question.

Q When did you come back to this country? A. I come back in '65.

Q Are you on the 1860 roll regularly? A. Yes sir.

Q Did you have any conversation with Balston Leoney at Fort Gibson in '88? A. No sir, not but a very little bit.

Q Did he have with him? A. He didn't have anybody with her, I don't know. I saw him there, and I went to him and shook hands with him because I was acquainted with him.

Q Any other children did they have when the war broke out? A. Didn't

know him then.

Q A year ago or year and a half ago, when they went during the war?

Q I don't know where they went.

Q Did you remain in the same locality where they had lived, or to that locality when you came back after the war? A. I stopped

first right side side of Fort Smith, on this side the river in the Cherokee Nation.

Q Well, did you go back in that neighborhood? A. Yes sir, I came back

the neighborhood where I used to live, lived on the same place I

lived in that neighborhood when you returned up there there

after the war? A. Yes, my owners was living there on that same

place. I came right back to them.

Q Was there any other? A. Charles, Maxwell Chambers and his wife, of course

and was dead, but his wife was living on the same place.

Q Where had the right family gone? A. They went south too.
Q Do you know to whom Belston Looney belonged at the breaking out of the war? A. Yes sir, belonged to George Murrell.
Q Where was George Murrell living? A. Well, George Murrell was living there in what they call Park Hill.
Q How far was Park Hill from where you lived at the Chambers place? A Well, it was all pretty near the same place, it was all called Park Hill where they all lived, we didn't live just two or three miles part.
Q George Murrell was a man who had a farm in Virginia and lived in Virginia the greater part of his time? A I suppose he had a place there.
Q He lived there the greater part of his time? A. Pretty much.
Q Also kept a part of his slaves in Louisiana? A I guess he did, I understand he did, anyway.
Q Did George Murrell ever have a permanent home at Park Hill, where he himself and family resided? George Murrell ever live permanently with his family at Park Hill, in the Cherokee Nation? A Yes sir, he was there, called that home.
Q He would go back and forward? A Yes sir, he would be there, because I knowed him.
Q His wife was a sister of Mrs. W. P. Ross, who now lives at Fort Gibson? A Seems to me she was the daughter of Lewis Ross.
Q Wasn't she a sister of Mrs. W. P. Ross? A Yes sir, that is right.
Q Then Belston Looney didn't belong to Jane Leenow at the breaking out of the war? A. No sir.
Q And you don't know who this man belonged to at the breaking out of the war? A Yes sir.
Q Who did she belong to? A. Eli Wright.
Q How do you know that? A. I seen her there.
Q How far did Eli Wright live from Park Hill? A He lived a good ways, but I was all over the country in them times.
Q About how far? A. I cant tell you just exactly it was.
Q Was it a hundred miles? A. No, I guess now since I come to be grown I expect it was somewhere between thirty and forty miles over there.
Q You lived in there at Park Hill, you say? A. Yes sir.
Q And the other parties lived over thirty or forty miles from you? A Yes sir.
Q There was no way of getting back and forth except by horse? A. No sir, except on horseback.
Q And there was no settlement between the Park Hill settlement and the settlement of Going Snake where they lived? A I expect there was, I just went going through there, I was going to Cincinnati.
Q When were you at Eli Wright's place, when you claim to be the owner of this woman before the war? A. I didn't stay very long.
Q How long did you stay? A. I was there one time.
Q When did you next see this woman after the war broke out? A Why I never seed her any more until I came from Tahlequah up here on Big Creek.
Q What was that? A. That was along in '87.
Q They haven't had a permanent place of living, have they, since the war her husband? A. Yes sir, they had a log house put up.
Q Didn't they just live from place to place and town to town? A Well, he did for a while, and that time he told me his wife was over on Grand river.
Q What makes you know it was just before Christmas, in '86 you saw him down there? A Because I know him, because I asked him to come take Christmas with me.
Q How long before Christmas was it, was many years after the war broke out? A. I don't know what year the war broke out, but,
Q How long before Christmas and in what year after peace was declared? A I can't hardly tell you that.

Q What year, and how long before Christmas was it the treaty was made? A I know one thing, I know the people near where I was living told me that peace had been declared and the folks was all coming home and I picked up and lit out too.

Q Will, how long before Christmas was the treaty made, and what year? A. And I know right after that, in the next year after I came up there, that was when I seen him.

Q Who was living in Fort Gibson at the time you saw him? A. I can't tell you, there was a plenty of soldiers there.

Q Wasn't there some Cherokee families there, or colored families?

A There was one or two colored families there, I can't tell you, it has been so long ago.

Q Lewis Daniels was living there? A Lewis Daniels was living around there somewhere.

Q And F. H. Nash was living there, wasn't he? A. I don't know.

Q F. P. Ross? A Yes sir, I believe he was, I believe he was living around there some place, but I don't know whether he was living in town or not.

Q You don't remember anyone living there except you saw Bolston Looney there, is that it? A. There is a man now lives right close to where there is a little hollow going down towards the river, that they call Vann.

(Commissioner) You say you know this woman before the war? A. Yes sir.

Q Was she married to Bolston Looney then? A. I think she was, she had one child, I think she was married to him; I don't know for certain whether she was or not.

Q Where did you first know her certainly as Bolston Looney's wife? A I never knew her really as his wife, not till he came back here with her.

Q When did you first see her with him after the war? A That was in '37, and I am just going to tell you just exactly.

Q You saw him and her together at that time? A Yes sir, they were living together.

Q As husband and wife? A Yes sir.

Q Have you seen more or less of her ever since? A. Yes, I seen her off and on all the while since.

Q And of him also? A. Yes sir, they were living together.

Q He died about three years ago? A. Yes sir.

Q Have you seen them ever since as husband and wife? A. Yes sir, they been living ever since as husband and wife.

Q Now this George Murrell that you spoke of, who was his wife? A I think it was a daughter of Lewis Ross if I mistake not.

Q She was a Cherokee woman was she? A. Yes sir.

Q That the family of old Chief Ross? A Yes sir, if I am not mistaken he was her brother.

Q You think then George Murrell's wife was a niece of the old Chief?

A Yes sir, I think she is as well as I can recollect.

(Mr. Mellette) Didn't George Murrell build a fine house at Park Hill? A. Yes sir.

Q Was it brick or frame? A. I don't just recollect what the house was built of, it was a fine house.

Q It was the house R. E. Ross lived in now? A. Yes sir, I think it is.

(Mr. Davenport) Do you know where Bob Ross lives now? A Yes sir.

Q Lewis Ross? Bob Ross, do you know where he lives? A Bob Ross was living at Tahlequah, the man I am thinking about now.

Q What made you answer Mr. Mellette that you thought the house George Murrell built was the house Bob Ross was living in now? A Maybe I didn't understand him good.

(Mr. Mellette) I asked you if George Murrell didn't build a fine house at Park Hill? A Yes sir.

Q You know about that? A. Yes sir.

Q Then I asked you if Bob Ross is living in that house now? A I don't

know where Mr. Ross is living now, I misunderstood you sir, I beg
your pardon.

13
The applicant is identified on the Kern patent roll,
but not upon the roll of 1864 or upon that of 1866. It appears
that she and her deceased husband were slaves in the Cherokee
Nation at the beginning of the Civil War, and were the property
of Cherokee citizens. They seem to have lived together as the
witness of the fact, and to have gone into the State of Missouri, and
claim to have returned to the Cherokee Nation about four weeks
before Christmas, in 1865. The testimony on this point is somewhat
conflicting. With a view to the application of her children,
they have been identified in the course of the examination as her
children, and it appears that their claim will depend upon the
claim that may be established for their father or father. It seems
that the marriage between the applicant and her husband was legal,
full, they have been married for some time, her testimony, since
before the Civil War, and that she was together until his death,
some three years ago. The fact that she is listed as applicant as
a Cherokee free woman, and that she is the father consider-
ation of the fact that she is the mother of the applicant
will be made known to her at her next hearing.

The Kern office has examined and the husband of Jane Logan,
identified herself, and the husband of Jane Logan,
as Bess Logan.

Judge C. Jones, being duly sworn, says that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is
a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones

Sworn to and subscribed before me this the 15th of June, 1901.

(signed) T. B. Needles,
Commissioner.

=====

I, Chas. von Welle, upon my oath state that the above is a true
copy of the original.

Chas. von Welle
Subscribed and sworn to before me this 15th of August, 1901.

[Signature]

Commissioner

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Oklahoma, I. T. June 20th 1901.

In the matter of the application of George Looney for enrollment as a Cherokee Freedman, he being sworn by Commissioner G. B. Breckinridge testified as follows:

- Q What is your name? A. George Looney.
Q How old are you? A. 32.
Q What is your post office? A. Cochrane.
Q In what district do you live? A. Scowascoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Just myself.
Q Have you a wife and children? A. No sir.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Were you born here? A. Yes sir.
Q Give me your father's name? A. Bessie Looney.
Q Has he been dead about two years? A. Yes sir.
Q Give me your mother's name? A. Jane.
Q She is alive? A. Yes sir.

ROSETTA WHITKIRE, called and sworn as a witness for the applicant:

- Q What is your name? A. Rosette Whitkire.
Q How old are you? A. 30.
Q What is your post office? A. Wynona.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know the applicant here? A. Yes sir.
Q What kin is he to you? A. My brother.
Q Is he a son of Bessie and Jane Whitkire? A. Yes sir.
Q He has lived in the Cherokee Nation all his life has he? A. Yes sir.

Applicant not found on the 1886 and 1896 rolls.

The Kern Clifton roll examined, applicant found as follows:
Page 173 No 4864, George Looney, Scowascoowee district.

By Gen'l Breckinridge:- The applicant is identified on the Kern Clifton roll, he states that he has lived in the Cherokee Nation all his life; he is shown to be a child of Bessie Looney deceased and of Jane Looney now living; he is not found on the 1886 and 1896 rolls; he will now be listed for enrollment as a Cherokee Freedman on a confidential card and for further evidence in his case there will be filed herewith a copy of the testimony taken in the case of his mother Jane Looney ex-Cherokee Freedman Rehearsal card 2007; the final decision of the Commission will be made known to him at his post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 20th of June, 1901 at
Nowata, I. T.

Chas. von Weise

Commissioner.

F. D.

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INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 190....

Given under my hand this.....
day of..... A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of....., 190....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the..... day of..... A. D. 190....

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with the
DAVES COMMISSION,

FEB 12 1902

NOTICE!

IN THE MATTER OF the application of George Looney
for enrollment as Cherokee Freedmen:

Case No. F. D. 637

George Looney, Centralia I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on FEB 17 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned FEB 4 1902 representatives of the Cherokee Nation have hereunto set our hands this

L B Bell

W. W. Hastings

Jess Davenport
Attorneys for the Cherokee Nation.

Filed with C. F. D-

437, George Looney.

Department of the Interior,
Commission to the "Five Civilized Tribes,"
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY OF BEARER OF CHEROKEE NATION in the
matter of the application of Jane Looney for enrollment as a Cher-
okee Freedman, D#897.

Appearances:

Mr. Smith, of Yellette & Smith, Vinita, I. T., Attorneys
for applicant;
W. W. Hastings, attorney for the Cherokee Nation.

FRANK PEERMAN, being first duly sworn and being examined
testified as follows:

BY W. W. HASTINGS:

- Q What is your name? A Frank Peerman.
Q How old are you? A 65 years old.
Q Where do you live? A Atchison County, Kansas.
Q How long have you lived in that County? A Since January '58.
Q Did you know a colored woman up there in Atchison County Kansas
by the name of Jane Looney? A I did.
Q Did you know her husband? A I did.
Q What name did her husband go by? A Andy Looney.
Q Did you know any of Jane's children? A Yes, I know Frances.
Q What is her present name? A Smith.
Q What was her husband's first name? A I did not know that.
Q Did you know any of the rest of her children? A Why, I have seen
several of them, I have no particular knowledge; they have worked
around for my daughter and myself some but I have no particular knowl-
edge of the other two of them.
Q What are the others named do you know? A Really I don't know
how many children she has got.
Q I mean of Jane Looney? A Oh I thought you were speaking about
Frances. Jane Looney yes, I know Frances is her eldest daughter,
and the eldest boy was born on the place where I live now, Henry,
he was born in '54.
Q You mean in '64? A Yes sir.
Q Well what is the next one? A There was a John, there was sev-
eral children after they left our neighborhood, I don't know how
many they had after they moved to Atchison, there was a Ellen,
there was a George, and there was a John, then three I heard of,
not personally knewed them either.
Q Her husband there was known as Andy Looney? A Yes sir.
Q When did you first learn to know this man and woman in Kansas?
A It was either in '55 in the fall or in the spring of '64, I won't
be positive, but it was either one of those times.
Q Where did they live in '64? A On the place I own now.
Q How long did they continue to live there? A Until spring of
'57.
Q Continuously all the time? A Continuously all the time, farmed
the place.
Q Where did they go in the spring of '67? A They moved to a place
right adjoining it on the east where old man Filman built a little
cabin there, they lived there two years.
Q That would be the spring of '69? A Yes sir.
Q Then where did they go? A Then in the spring of '69 they moved
on the place right north of me.
Q How far from you? A The house not being more than about 40
rods from where I live now.
Q How long did they live there? A Two years.
Q That would bring it up to '71? A Yes sir.

Q Then where did they go? A They moved to Atchison.

Q How far is that? A 5 or 6 miles, we call it 5 or 6 miles.

Q Did you see them after that? A I saw them 15 years after that, positively and I might say 20, but 15 years anyhow; I saw Andy Looney in '92 the last time and had a long talk with him; he was fencing ground for my daughter.

Q Did you see him frequently after he went to town? A Yes sir.

Q You know when he left up there? A No.

Q You say '92 is the last time you positively remember seeing him? A Yes sir, I had no ~~business~~ dealings with him; that is the last time I talked with him and I didn't know he had gone until here a few years ago.

Q How about Frances Smith? A She lived there in Atchison.

Q Does she live there now? A She lived there now, her husband is working there and the family is there.

Q When is the last time you saw her? A Well I have not seen Frances for several years, because I have no dealings or no need of seeing her, but I have seen her children, I saw one of her children that worked for me this winter up until January.

Q Up until this last January? A Yes, this last January last month, and he worked for my daughter the last month.

Q What is that child's name? A Fred Smith.

Q Do you know John Looney or Henry Looney of these boys? A I know Henry, because he was born on my place and I have seen him since, he is now in the penitentiary.

Q What is he in the penitentiary for? A Killing his wife.

Q Did you know any of the rest of these boys living up there now? A There is one by the name of John, but as I have no business with him I see him and that is about all, I have no personal knowledge of him much.

Q Now you said they left there and went to Atchison about '71?

A Yes, to the City of Atchison.

Q You say you had occasion to meet them frequently? A Yes sir, often.

Q Did they ever do any work for you after '71 until '92? A Not for me, but my son-in-law, he would do little things in the garden and take care of the house and I would see him, - saw wood, any little thing like that.

Q You know where they were living? A Oh yes.

Q You saw their house? A Oh yes sir, many a time.

Q How far were they living from your son-in-law? A Not more than a quarter of a mile, my son-in-law lived in the south Atchison and they lived in South Atchison, about a quarter of a mile.

Q Well then from about '63 or '64 up until '71 they lived out there either on your farm or the adjoining farm? A Right close adjoining and many a day he has worked for me.

Q What is your business? A Farmer.

Q Are you a farmer yet? A Yes sir.

Q You live on the same place? A Yes sir.

BY MR. SMITH:

Q Mr. Neerman, how long have you lived in Kansas? A Since the winter, since January '58.

Q The people you talk about are people you first became acquainted with in '83 or '4? A Yes sir.

Q Which was it? A The Looney family? they consisted of Andy Looney his wife Jane, and the daughter Frances, about 6 or 7 years old, and the child Henry was born on the place where I lived; they now, they had a cabin, and he was born there.

Q Do you know which year it was, whether it was '63 or '64? A I am not positive, but it was not later than that.

Q How you say the husband of this woman was called Andy? A Andy Looney, he went by, yes sir.

Q How long has it been since you saw the Jane Looney to whom you refer? A Oh it has been a good many years, I couldn't tell you when.

Of course she didn't get out like her husband Andy and the sons so I could see her and I had no business with them and I didn't hunt her up.

Q You know whether Andy Looney is living or not? A I understand he is dead.

Q When did you last see him? A Last time I saw him was in the summer of '92 that I saw him personally and talked with him in Atchison, Kansas.

Q He was living there then? A Yes sir.

Q You don't know whether the people that applied here for admission are the same people you know at all? A I don't know anything about that at all.

H. C. KING, being first duly sworn and being examined testified as follows:

BY MR. HASTINGS:

Q Give the stenographer your name, please? A H. C. King.

Q How old are you, Mr. King? A 41 years old.

Q Where were you born? A Atchison County, Kansas.

Q You lived in that vicinity all of your life? A No sir, not all the time.

Q Where do you live now? A I live in Atchison County.

Q Where were you living when you were 7 or 8 years of age? A In Atchison County.

Q Did you ever know a colored family up there by the name of Looney? A I know her.

Q You know what the woman's name was? A I don't remember every one, that her name was.

Q Don't remember? A No, not her name particularly.

Q Did you remember his name, Andy? A He was known as Andy Looney.

Q Did you know any of his children? A I remember one named Henry Looney.

Q What became of him? A I learned that he was in the penitentiary from what I heard.

BY MR. SMITH: I object to that.

Q You don't know only what you have heard? A Just what I have heard there in town; it has been several years since I heard it.

Q Did you know any of the rest of the family? A I know two now, there's two now that I remember that I know, John Looney and Frances Smith.

Q Where does John Looney live now? A In Atchison.

Q When did you last see him? A Last Saturday about one o'clock.

Q You know whether he is single or married? A He is married I understand.

Q You know whether Frances is single or married? A She is married.

Q You know where she lives? A Yes sir.

Q Where? A She lives 716 W. Street, Atchison.

Q You know what her husband's name is? A I know of him as Doctor Smith.

Q They live there in Atchison? A Yes sir, that is my understanding. I am not acquainted with the man.

Q Were you at her house? A Yes sir.

Q Therefore you are correct as to her place of residence? A Yes sir.

Q How was this Looney family that you knew, this man and woman, the father and mother of these children John and Henry and Frances?

A That has always been my understanding, that they were the children of the family.

Q You know that like you know anything else in the neighborhood?

A Like I know anything, Yes sir.

Q When did Andy Looney and his wife leave that country? A I couldn't say for certain about that, I heard of them leaving about

'96, I had been away from Atchison and came back in 1896, I had been away about 12 or 13 years.

Q When did you leave Atchison County? A I left Atchison County in '83 I think it was '83 or '84.

Q You know whether these Looney's that you speak of were living in '83? A They had been living in Atchison last I knew of them before that, I didn't know just where they was in '83.

Q How long had you known them to be living around in Atchison? A I would judge about 15 years anyhow, something like that.

Q Continuously? A As near as I could learn, occasionally I would see them.

Q You left there about '83 or '84 and came back in '96 and they were gone? A Yes, that is I learned they were gone, I lost track of them anyway, I wasn't particularly acquainted with the younger ones; I remembered Henry as a boy, he wasn't much younger than I was.

Q You don't remember as far back as '66, you are too young? A Well I couldn't say as to the date when I got acquainted with them, but I know when I moved out of the neighborhood in which they lived, the old neighborhood, that was in the fall of '70, I lived about two miles for several years, probably from '65 to '70, within about two miles of Mr. Neerman, and they lived right in the Neerman neighborhood, either on his place or the Tilman place; I know about where they lived.

Q That is as far back as your recollection extends? A Yes sir, they afterwards moved to Atchison? A Yes, I have seen them around Atchison and I understood that they lived there.

BY MR. SMITH:

Q How long did you state you were? A 41 years old.

Q You don't remember the name of Andy Looney's wife? A No sir.

Q How many children do you remember? A I don't remember but one particularly; when they were small children.

Q You can only give the name of one child? A That I remembered at that time, when I was a boy.

Q Now when you first knew these people that you speak of you were how old did you say, seven years old? A I was from 6 to 10 somewhere in there, I knew them before I was 10 years old I remember, I lived in the neighborhood with them.

Q Where did you last see any of them? A I saw one that I got acquainted with, John Looney in late years I saw him in Atchison last Saturday.

Q How long have you been living in Atchison County? A 6 years this last time, or about 6 within a month or two of it.

Q You were away awhile? A I was away from Atchison County some 12 or 13 years.

Q Where were you then? A I was in Jefferson County about 10 years and in Oklahoma about 2 years or such a matter.

Q You knew Andy Looney's wife did you? A I knowed her when I was a little shaver.

Q How long has it been since you saw her? A I don't know that I have seen her since in the neighborhood of '70 possibly, along there somewhere, I couldn't say positively.

Q You were there weren't you up until '84? A Not in that immediate neighborhood; they moved out of that neighborhood to town.

Q How far was it to town? A Well it is 8 or 10 miles.

Q And you have never seen her from that time to this? A Not that I know of.

Q You don't know whether it is the same Jane Looney or whether that is the woman that is an applicant in this case or not? A I could not say about that.

Q Was that a thickly settled community in there where they lived in that country? A Pretty thickly settled, yes.

Q Good many people live in Atchison? A Yes sir, along about 16000.

BY COMMISSION: This testimony will be filed and will be
part of the record in the following Cherokee Freedmen Doubtful
Cases: 535, 537, 539, 540, 542 and the same as per 597.
(Also filed in 51109)

Ed. Green being first duly sworn states that he attended to the
collection of the Five Civilized Tribes as correctly reported the
same and he believes all this was not that the foregoing is a
true and complete transcript of his stenographic notes.

Subscribed and sworn to before me this December 24, 1900.



Commissioner

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

George Looney.

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MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

Cher Fr D 638

Cher Fr D 638

To be filed in No. 638 - Henry C. Ridge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHICKASAW, I. T., JUNE 7th, 1901.

In answer to the application of Cornelius Ridge for the enrollment of himself and three children as Cherokee Freedmen and for the enrollment of his wife as a Cherokee Freedman by intermarriage, said Ridge being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Kirtz & Smith, for applicants;
Mr. W. T. Harbison, for Cherokee Nation.

Q What is your name? A Cornelius Ridge.
Q What is your age, Mr. Ridge? A About 40 I guess.
Q What is your post office? A Spavinaw.
Q What district do you live in? A Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself, Mr. Ridge?
A Wife and three children.
Q What is your wife's name? A Laura.
Q How old is Laura? A She is about 35.
Q What is the name of your first child? A Pearl.
Q How old is Pearl? A About 12 I guess.
Q The next child? A Jessa.
Q How old is Jessa? A 12.
Q The next one? A Myrtle.
Q How old is Myrtle? A I guess she is about eight.
Q Is your name on the roll of 1880? A No, sir.
Q Is your wife's name? A No, sir.
P. M. SMITH:
Q Where do you live? A I live in Saline District, Cherokee Nation.
Q Who is your mother? A Katie Ridge.
Q Do you know whether or not she applied for enrollment at Kinta?
A Yes, sir, she did.
Q What sister did you have? A Phoebe and Mary, two sisters.
Q Did they marry either one of them? A Yes, sir.
Q Who did marry, marry? A She married a Melton.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Herman Page.
Q Was he an Indian? A Yes, sir, he was an Indian.
Q Where did he live before the war? A He lived in the Cherokee Nation part of the time and part of the time I guess in Arkansas.
Q Where was he living when the war commenced? A He was here in the Cherokee Nation.
Q Were you living with him? A No, sir, I wasn't with him.
Q Where were you? A I was with my mother.
Q Where was she? A She was taken out of the Cherokee Nation.
Q You were his slave, though? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q When did you come back to the Cherokee Nation first after the war? A Come back in '86.
Q Where did you come to? A Come to Honey Creek in the Cherokee Nation.
Q Who was with you at any one? A My father and mother and my family, or my father and mother.
Q Well, what members of your father's and mother's were with you, you have named your father and mother and yourself? A Two sisters.
Q What were their names? A Phoebe and Mary and a brother, Jesse.
Q Is Jesse alive? A No, sir, he is not alive.

Cornelius Ridge, et al. -- 2.

- Q Where do you live now? A I live in Saline District.
Q What is your post office? A Spawton.
Q How long have you lived there? A About, I guess about 30 years.
Q Are you not on the 1860 roll? A No sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1860 Authentication Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3866, Cornelius Ridge, Cowasawnee District.
Page 157, #3880, Pearl Ridge, Cowasawnee District.
Page 157, #3881, Jesse Ridge, Cowasawnee District.
Page 157, #3882, Myrtle Ridge, Cowasawnee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, Page 185, #3183, Cornelius Ridge, Saline District.

APPLICANT: She (meaning his wife) is a single woman.

- Q Mr. Ridge, have you any witnesses you want to examine now, any witnesses present? A No, sir.
Q Have you witnesses that you think you will be able to get before the Commission when it comes? A Yes, sir.

BY MR. HASTINGS:

- Q How old are you? A I don't know, I guess I am about 49.
Q About how old were you when the war came up? A Don't know.
Q Is it Ridge was your father? A Yes, sir.
Q What was your father's name? A Henry.
Q Where were you living when the war came up? A I were living with my mother in at the Doctor Polston's.
Q Well where was Doctor Polston living? A He was living near what is called Peter's prairie.
Q How far is that from South West City Missouri? A Well I don't know hardly exactly I expect thought it is probably two or three miles.
Q You were living when the war came up were you? A Yes, sir.
Q How long had you been there? A I don't know, I don't suppose I had been there as very long. I don't know just how long I had been there.
Q Did Doctor Polston have a wife? A Yes, sir.
Q What was her name? A Her name was Fanny.
Q Was she living then? A Yes, sir.
Q How many children had he when the war came up? A I don't remember.
Q Dr. Polston's wife was your mother? A Oh yes a sister to my father.
Q You don't know how many children he had? A No, sir.
Q Did he have any children? A Appears to me like there was one or two. I am not sure.
Q Boys or girls? A I don't hardly remember.
Q You don't remember? A No, sir.
Q What kind of a house did Dr. Polston live in on Peter's prairie? A Well, sir, I could not describe the house at all.
Q Did he get water out of a spring or well? A Out of a spring.
Q You remember that is your? A Yes, sir, it appears to me like it is right.
Q Are you certain? A No, sir, I am not quite certain but seems to me like there was a spring.
Q Did Dr. Polston have a horse? A Yes, sir.
Q How many horses did he have? A I don't know.

Cornelius Ridge et al, K.

Like there was an orchard, might have been, I won't be sure.

Q Who did you say your father was? A Herman Ridge.

Q Now, where was Herman living? A Well, sir, I don't know where he was living; he was an intermarried man.

Q He had no home in the Nation did he? A The last account I know of Herman was that when he joined the army.

Q Well, where was he living just before he joined the army?

Q I don't know, sir. I could not tell you.

Q Well now, you came back here did you with your father and mother?

A Yes, sir.

Q Now what was the first point you came to? A In the Nation?

AQ Yes. A On Honey Creek.

Q Now, what place on Honey Creek did you return? A Well, I don't know the name of the place at all; but as near as I can remember it was about probably three or four miles down the creek from where South West City now is.

Q That is the point you came to was it? A Yes, sir.

Q That was near your old home? A Yes, sir.

Q You came right back to the old home didn't you? A No, sir, not right exactly.

Q Well about how far from your old home? A It don't, it must have been probably a mile and a half from the old Ridge place.

Q Did you build a house? A No, sir.

Q How did you live there? A Went into a house that was there.

Q That was vacant? A Yes, sir.

Q How long did you live there? A Well, sir, I expect we were there something like three or four months.

Q Then where did you go? A Went to Missouri.

Q Joplin? A Yes, sir.

Q You were married at Joplin, weren't you? A Yes, sir.

Q What is your oldest child's name? A Ida.

Q Is she living? A Yes, sir.

Q How old is Ida? A Ida's about, I don't know, 24 or 25 I guess.

Q Well, isn't Henry older than Ida? A No, sir; he is younger.

Q And where was Ida born? A Ida was born on Grand river.

Q Near what place? A On Lynch's prairie.

Q How long after the war was it until you came down to Lynch's prairie? A How long after the war you ask me?

Q That is the question. A I don't know, something about like three or four years.

Q George Clark was living right near you then? A Yes, sir, George Clark was living there.

Q Then the only time you claim to have come back to the Cherokee Nation before that was when you were up on Honey Creek? A Yes, sir.

Q And you lived there, you say about two or three months? A Yes, sir.

Q Now, what kind of a house was that you moved into? A It was a log house.

Q Now, what direction from the old Polston was that log house that you moved into? A Well, if I am not mistaken and kinda turned around I say out south.

Q Did you go to the old place while you were there? A Polston place; yes, sir.

Q Who was living there? A Dr. Polston.

Q Was his wife there with him? A Now, I am not quite sure; let me think over that a little, yes, sir, I think she was.

Q Did she have any children there? A Yes, sir.

Q Do you know their names? A No, sir, I don't.

Q What did you do for a living down there? A Didn't do anything.

Q Do you remember any citizen you saw down around there? A No, sir, I don't remember any one.

Q Where did you get anything to eat? A Brought provisions with us.

Q And just camped out down there in a house? A No, sir, we lived down there in a house.

Cornelius Ridge, et al, A.

Q You never worked for anybody? A Never done a day's work for anybody as I know of.

Q Well, what year were you there? A We were there in the fall.

Q About what month? A Well, sir, I don't know hardly, I expect though it was in or near the month of October, September or October, somewhere along about there.

Q Were you up about that town where mills you were down there on Honey Creek? A No, sir.

Q You didn't go to any town? A No, sir, what do you mean, South-west City?

Q Yes, sir. A No, sir, there wasn't no town there, we were right past there and there wasn't no town there.

Q Did you have any neighbors down there where you lived in that little house, any people living anywhere around you? A No, sir, none that I know of, none that I was acquainted with except Polston.

Q None except Polston? A No, sir, that I can remember now.

Q You don't remember any of those Indians that were living about you? A No, sir, I don't remember, there was none living there as I know of.

Q Was there any field connected with your house you lived in?

A No, sir.

Q What did you get water out of, creek, spring or well?

A Spring.

Q What direction was the spring from the house? A Well, sir, I don't know.

Q You don't remember? A Appears to me though like the spring was east, not to be positive.

Q How far was the home place from Honey Creek? A I presume some-thing near a mile and a half.

Q Were you north or south of the creek? A Well I would say south.

Q Dennis Hicks' wife, your sister? A Yes, sir.

Q Was she older or younger than you? A Younger.

Q Where was she born, before the war or after, and when? A She was born before the war, I don't know where she was born at.

Q Did she go this round with you? A Yes, sir.

Q Your mother was with you? A Yes, sir.

Q Your father? A Yes, sir, I think though Dennis' wife was born in Arkansas.

Q Before the war? A Yes, sir, I think she was.

Q Well, now in all these rounds you went your father and mother and all the members of your family would go with them? A Yes, sir.

BY COUNSEL HENDERSON:

Q Well, you apply for your wife as an unmarried widow do you?

A Yes, sir.

Q When were you married to her? A I don't know, sir, about '65 I guess.

Q Have you been living with her continuously since that time?

A Yes, sir.

Q Living with her now? A Yes, sir.

Q Where were you married? A Married in Missouri.

Q She is a state woman? A Yes, sir.

Q Where were you living in 1867? A In Missouri.

Q Brought your wife back with you when you came? A Yes, sir.

BY MR. HASTINGS:

Q Topeka is in Missouri, isn't it? A Yes, sir.

BY MR. SMITH:

Q What time, Cornelius, did you leave the plantation where you came here in 1867? How long did you stay here in 1867? A We came in the fall and left after Christmas.

Cornelius Ridge, et al.

- Q. When you were married was it at the same time as
in 1867? A. Yes.
Q. How did you leave the Nation, the Cherokee Nation, at that time?
A. We didn't have any choice to live on.
Q. Where did you go?
A. We went to Missouri.
Q. How long did you stay there, three or four years?
A. Presume.
Q. And then where did you go to?
A. Came on Grand River.
Q. In the Cherokee Nation? A. In the Cherokee Nation.
Q. Have you been living in the Cherokee Nation ever since?
A. Yes.
Q. In the meantime you had married a Yonki?
A. Did you bring your wife back here with you when you came
back, sir?

BY MR. HASTINGS:

- Q. What time did you say you went back? A. Three years.
Q. Yes. A. In about three or four years I guess.
Q. After that went up there? A. Yes, sir.

Q. R. HASTINGS: Cornelius Ridge applied for the enrollment
of himself and three children, Pearl, Jennie and Martie.
Cherokee Freedman; he also applied for the enrollment of his
wife, Laura, as a Cherokee Freedman by intermarriage.
We cannot be identified with the Freedmen roll of 1890
or the census roll of 1900, because all the children are
quite identified upon the Kerr Roll, and the name upon
the Roll is Ridge. It appears that he was married to the
lady, a state woman in the year 1877, and has lived with
her continuously ever since that time. He has no other
proof as to his residence, and in this connection, he
requested by counsel that his testimony also in the present
case be made a part of the record in the enrollment of
Dennis Rice, who was listed for enrollment as a Cherokee
Freedman, and it is ordered that the testimony
taken in the application of this Ridge be made a part of
Cherokee Freedman, who was last listed for enrollment on
D. Roll 2206, be made part of the record in the present case,
and a copy of the same be made in the case of the Ridge
Cornelius Ridge. The name Cornelius Ridge and his children
as enumerated herein will be duly listed for enrollment as
Cherokee Freedmen upon a special card, and his wife will
be listed for enrollment as a Cherokee Freedman by inter-
marriage upon a special card for the further consideration
of the Commission. The applicant will be notified by mail
as to the final decision of the Commission.

A. Gibson, being duly sworn, states that he attended with the
Commission to the Five Civilized Tribes he personally viewed the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his statements and notes taken,
subscribed and sworn to before me this 17th day of June, 1906.

J. M. Gibson, Notary Public.

A. M. Green being duly sworn, states that he attended with the
Commission to the Five Civilized Tribes he personally viewed the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his statements and notes taken,
subscribed and sworn to before me this 17th day of June, 1906.

J. M. Green, Notary Public.

To be filed in 675-

Department of the Interior
Commission to the Five Civilized Tribes
Vinita, I. T., May, 1892

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman: She being sworn by Commissioner T. B. Hoodless, as follows:

Q What is your name? A Katie Ridge.
Q How old are you? A I guess I am 44. I was 18 when the state fell.
Q What is your present office address? A Springfield.
Q Is that in De Kalb County, Georgia? A No sir, in Illinois.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I want to be.
Q Is your name on the roll of 1866? A No sir.
Q Do you draw stipend money? A Yes sir.
Q Do you want to have enrolled besides yourself? A No one sir.

The 1866 authentic roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q You say your name is not on the roll of 1866. Do you know who? A No sir.
Q Was you a slave? A Yes sir.
Q Who owned you? A Hiram Ridge.
Q Was he a Cherokee Indian? A Yes sir.
Q Did he live here in the Cherokee Nation? A Yes sir, he lived here a part of the time.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Springfield, Missouri.
Q How long did you stay there? A Three years.
Q When did you come back to the Cherokee Nation? A In 1866.
Q Have you been lived in the Cherokee Nation ever since 1866? A Not all the time, when we come back here we stay a little while and then move up to Joplin; when we come home here there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then come back here again.
Q Did you go from Springfield to Joplin or did you come here first? A We sir we came up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A Three years.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Where did Hiram Ridge live? A Most of the time in Fayetteville.
Q His mother took the children there to live? A Yes sir.
Q Was that in Arkansas? A Yes sir.

By A. J. Bell, Cherokee Representative:
Q Did you go into Arkansas with Mrs. Ridge, that is Hiram's mother, when she moved up there? A No sir we stayed on her farm, when she went up there her farm was still on Honey Creek.
Q How long did you stay on that farm? A I don't know, it was kept up a good while, part of the time we would go to the farm, we would go there and work and when they did not need us there they would take us back to Fayetteville and live as usual.
Q What was your work? A I was a farmer or did some other work.
Q Did you know any other? A Yes sir, I know many in the Nation.
Q Did you know Mr. Pollock? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Did you live with him? A Not all the time, some of the time we would stay with him.
Q Where were you in 1866 when this was made out? A Well I was

Battle Ridge 3.

Q Went to Polston then and then back to Fayetteville Herman Ridge
and Polston's wife was brother and sister.
Q Didn't you live out closer to Bentonville than to Fayetteville?
A My Mistress lived there away after they killed John Ridge, and
went from Honey Creek to near Bentonville.
Q How long did you live on that farm? A I don't know.
Q Where did Polston live on that farm? A I don't know exactly.
Q How long had he been living there when the war broke out? A I
don't remember.
Q Several years? A I don't know.
Q You don't know nothing about it? A I don't know of him all the
time.
Q Herman Ridge lived in Washington County, Arkansas didn't he? A
No sir.
Q Well, well as where he lived then? A In Fayetteville.
Q What is in Washington county? A I don't know.
Q He was Mrs. Ridge's son? A Yes sir.
Q He lived up there when she moved there? A Yes sir.
Q And that was right after the killing of John Ridge? A Yes sir.
Q He lived there until the war broke out and then he went to the
war himself and got killed? A Yes sir.
Q Where is your husband now? A I don't know. A He is dead, he died in
small box time.

By the Commission-

Q Where did your father die when he was killed? A Somewhere
in the Territory. He was in the Southern Army.
Q Was he married or single? A Single.
Q He went to the army from Arkansas? A Yes sir.

SIMON DUCK, called and sworn as a witness by Commissioner T.B.
Needles, testified as follows on the part of the applicants:

Q What is your name? A Simon Duck.
Q How old are you? A 71.
Q What is your post office address? A Sparrow.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Is your name on the roll of 1866? A Yes sir.
Q Do you know Katie Ridge? A Yes sir.
Q How long have you known her? A I don't know how long it had been
I met her before the war.
Q How did she bring up? A Mr. Ridge.
Q Was he a Cherokee settler? A Yes sir.
Q Was he an Indian? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Was Katie taken out of the Cherokee Nation during the war? A
I don't know.
Q Where did you first see her after the war? A On Honey Creek.
Q When was that? A In '66.
Q Has she been living there ever since? A No sir she left there
once.
Q She went to Joplin didn't she? A Yes sir.
Q Has she been living here for the last 20 years? A Yes sir.
Q Her mother was who? A Herman Ridge.
Q Was he a single man when he was killed? A I don't know.
Q Do you know of any other living outcasts of the Cherokee Nation?
A I don't know.
Q Was he living in Arkansas? A Yes sir.
Q How long before the war? A Yes sir.
Q How long he live with in Arkansas his father and mother? A I
don't know.

Katie Ridge 3.

Q What time of the year was it you say he applicant on Honey Creek in '28? A The summer of '28, I don't know just what time, but it was in the summer time.
Q What was you doing there? A I went to South West City.
Q How far was this woman there? A At the old place. Somebody owned it then.
Q Was he there? A No sir.
Q How far is that from South West City? A Almost very far, I don't know just exactly, know exactly.
Q Is it a half a mile? A Yes sir several miles.
Q Were you ever at the place before? A Yes sir, been there lots of times there.
Q What was you doing there? A I went to Mr. Woodhill's shop and would at Mr. Ridge's every time I went to the shop.
Q Where did you go to from the shop? A On Dallas Prairie.
Q Where did you come here first, after the war? A The first time I came was in '28, and then moved here in '28.
Q What time in '28 did you move here? A In February.

APPLICANT RECALLED: Examined by Commissioner Needles:

Q Did you get your strip money? A Yes sir.

The Name Ridge roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 150, No. 1363, Katie Ridge, Cooperscoowee District.

By Com'r Needles, -

Katie Ridge applied for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Name Ridge roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1880 and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrive at a conclusion in her case she will be notified by mail.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.
Subscribed and sworn to before me this 18th of May, 1901 at Vinida, I.

(signed) F. B. Needles,
Commissioner.

R. E. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

(signed) R. E. Green
Subscribed and sworn to before me this 28th of May, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 18 1981

CHARTMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 16, 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman.

Supplemental testimony.

Applicant present.

Cherokee Nation present, by its attorneys.

ANDERSON LYNCH, being duly sworn and examined by Commissioner

Needles, testified as follows:

Q Your name is Anderson Lynch? A Yes, sir.

Q How old are you? A About 64.

Q What is your post-office address? A Vinita.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q You know Katie Ridge? A I didn't know her when I first saw her. When I first saw they they were up there on Honey Creek and someone said that was the Ridge.

Q What year was that? A That was along in the fall of '66, I think it was.

Q You saw her in the fall of 1866 then? A Yes, sir.

Q Have you known her since that time? A Yes, sir, after they came down here, I got acquainted with them; he said it was some of the Ridge that was up there on Honey Creek.

Q Do you know the Katie Ridge, the applicant here, as the same woman you saw on Honey Creek in the fall of 1866? A Yes, sir.

Q Do you know whether she was a slave or not? A No, sir, I don't know all the Ridge, all I know about them is what Simon was telling me.

Q Simon who? A Simon Lynch.

Q Did you know them before the war? A No, sir, he knew them.

By L. J. Bell, Cherokee attorney: Where were you going in '66?

A Going up to Southwest City.

Q How far is South West City from where they were living? A I don't know, sir, I never noticed; the first time I ever had been there, and I just went along with Simon.

Q About what time of the year was it? A It was long in the fall like.

Q Can you recollect, early or late? A It was early, it wasn't so cold, I don't know we slept out, we were going up there.

Q You don't recollect at that how far it was from where they lived to Southwest? A No, sir, I expect Simon knows, he was acquainted to them and I wasn't.

Q You went on from there to Southwest City did you? A Yes, sir.

Q Now where was Southwest City, in the Cherokee Nation or Missouri or Arkansas or Missouri, I don't know which, it was across the line.

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 16th of May, 1901.

(signed) C. B. Brackinridge,

Commissioner.

W. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript subscribed and sworn to before me on the 16th of May, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., June 10, 1901.

In the matter of the application of Henry C. Ridge for the enrollment of himself as a Cherokee Freedman being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Henry Ridge.
Q What is your age? A 33.
Q What is your post-office address? A Spawtman.
Q What district do you live in? A Saline.
Q You wish to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Not anyone.
Q Is your name upon the authenticated roll of 1890? A No sir.
Q Is it upon any of the rolls of the Cherokee Nation? A Yes sir.
Q Upon what rolls? A Clifton and Kerns.
Q Are you married? A No sir.
Q What is your mother's name? A Laura Ridge.
Q What is your father's name? A Cornelius Ridge.
Q Are they living? A Yes sir.
Q Have they been enrolled? A Yes sir.
Q Do you claim citizenship through your father or mother? A Through my father.
Q Cornelius Ridge? A Yes sir.

Kern-Clifton per roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 187 #3877 Henry Ridge, Coconawagon District.

- Q You were born in the Cherokee Nation? A Yes sir.
Q Raised in the Cherokee Nation? A Yes sir.
Q Lived here all your life? A Yes sir.
Q And you are not married? A No sir.
Q Is your name Henry C.? A Yes sir.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page 153 #3148 Henry C. Ridge, Saline District.

Com'r Needles: Henry C. Ridge applies for the enrollment of himself; upon examination of the rolls of 1890 and 1896 his name cannot be found, but he is duly identified upon the Kern-Clifton and the Wallace rolls; he avers that he is a son of Cornelius Ridge, who has been listed for enrollment on B card 556; the testimony taken in said case will be made a part of the testimony in the case at bar, and a copy thereof filed herewith; consequently, said Henry C. Ridge will be listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the decision of the Commission when arrived at in this case.

H.D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 17, 1901.

[Signature]

Commissioner.

710638

F. D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of.....A. D. 190...

Given under my hand this.....
day of.....A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
.....day of....., 190...

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the.....day of.....A. D. 190...

Subscribed and sworn to before me
this

Notary Public.

**Proof of Service made
and original filed with the
DAVES COMMISSION.**

SEP 28 1901

NOTICE!

IN THE MATTER OF the application of.....Henry C. Ridge.....
for enrollment as Cherokee Freedmen:
Case No. F. D. 632.....

To Henry C. Ridge, Savinau, I. T......

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on Oct. 7th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 23 1901.....

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

File with C.F. D-638, Henry C. Ridge.

SUPPLEMENTAL: C.F. D-295, Kate Ridge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, T., October 3, 1901.

In the matter of the application of Kate Ridge for enrollment
as a Cherokee Freedman.

TESTIMONY ON THE PART OF CHEROKEE NATION.

Appearances:

Mr. Mallette, of Mallette & Smith, attorneys for appl't.
Mr. L. B. Bell, of attorneys for Cherokee Nation,
and Mr. W. W. Hastings, of attorneys for Cherokee Nation.

W. H. WOOD, being sworn by Commissioner Needles, testified as
follows:

BY MR. BELL:

- Q What is your name? A W. H. Wood.
Q What is your age? A 48.
Q Post-office address? A Zenia, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you living here when the war began? A Yes sir.
Q Where did you go? A Into the Choctaw Nation.
Q How long did you return to the Cherokee Nation after the close
of the war? A In '66.
Q Where did you come to? A Came to a place known as the Polston
place, on the south-west part of Peter's Prairie, Delaware District,
Cherokee Nation.
Q How far was that from where the Missouri line crosses Honey
Creek? A About a mile and a half.
Q When did you move onto to that place? A Moved on that place
in the fall of '66, I don't remember the month exactly.
Q Well did you live there when the war began, or how come you to
go to that place? A We lived on Whitewater in the Cherokee Nation.
Q How come you to go on that Polston place? A I bought it from
Dr. Polston, my father did.
Q How old were you at that time? A I guess I was about 14 years
old.
Q Was there any town there at that time, near there? A No sir,
there was no town, there was a little post-office and store over
near the line that they called Honey Creek.
Q How long did you live there on that place? A We lived there about
2 years.
Q Then what did you do with it? A Sold it back to Dr. Polston.
Q And you left it? A Yes sir.
Q Well now you went there in the fall of 1866 and you stayed there
then? A Until the fall of 1868.
Q During the year of 1866, that is to say, the winter of 1866,
were there any freedmen living on that place? A No sir.
Q Were you acquainted with one Kate Ridge a Freedman? A No sir.
Q Cornelius Ridge? A No sir.
Q No parties of that sort lived down on that farm? A No sir.
Q Are you acquainted with what is known as the old Washburn place
at that time? A Yes sir.
Q Was there any freedmen living on that place by that name? A No
sir.
Q How far is that from the Polston place? A About a mile and a
half north and west.
Q Well now south and east of that place for a mile and a half
around about that Polston place was there any other houses? A No
sir, nothing but hills and hollows, no improvements whatever for 5
or 6 miles.
Q When did Dr. Polston occupy that place after you bought it from
him? A He went right on the place when we left it

in '68.

Q Where did he move from to that place? A He moved from Mayesville Arkansas.

Q Where was he living during the year of 1867 after you bought that place from him? A He was living, I think possibly he moved out part of his family to Mayesville and part of them was in Fayetteville in the early part of '67, and in the winter of '67 they all moved there to Mayesville and lived there until he bought this place back.

Q Now do you know anything about where Dr. Polston was in the early part of '66, or where he came from when you saw him and your father bought the place? A He came from Arkansas.

Q He was a white man was he? A Yes sir.

Q Do you know when the - no, I don't guess you do either, you never did get acquainted with Katie Ridge did you? A Never have seen her that I know of.

Q There never was any Freedmen on that place from '66 after you bought it? A No sir, there wasn't but one house and we had it.

Q After that was there any Freedmen lived on the Washbourn place that you knew of? A Not that I had any knowledge of.

Q But you moved away from that place in '68? A Yes sir.

BY MR. MELLETTE:

Q How old are you, Mr. Wood? A 40 years old last July, sir.

Q You must have been about 13 years old then in 1866, that right? A Yes sir, going on 14 I think.

Q What did you mean by buying a place at that time, you didn't buy a place did you? A I said my father.

Q You were quite a young boy at that time? A Yes sir.

Q Do you remember well everything that took place in those days? A Yes sir, I do.

Q You paid particular attention to just who was living around there? A Yes sir, there wasn't so many but what you could count them very easy.

Q You were a 13 year old boy and still you recollect it at this time? A Yes sir.

Q What place are you talking about as the one that white colored people did not live on? A On the Polston place.

Q Where was that? A On the south edge of Peter's Prairie in the Cherokee Nation.

Q Was that on Honey Creek? A No sir, it wasn't directly; the brakes of Honey Creek, a mile I guess from the Creek.

Q How many Polston places were there in that country? A Just the one.

Q How do you know? A I lived there.

Q You were a boy 13 years old, can you remember that there were no other places belonging to Polston? A Yes sir.

Q Where did you go during the war? A I went to the Choctaw Nation.

Q When did you return? A In '65.

Q What time in '65? A Spring.

Q What time in the spring? A We left Carriage Point in the Choctaw Nation in April and I think we were possibly 3 months getting through.

Q Do you know Herman or Hiram Ridge? A No sir.

Q You don't know where he lived before the war then? A No sir.

BY COM'R NEEDLES:

Q Are you a Cherokee citizen? A Yes sir.

Q By blood? A Yes sir.

Q What is your occupation? A I am farming and selling goods.

BY MR. BELL:

Q Now you said you returned in 1865, did you come to the Cherokee Nation in '65? A No sir.

Q Where did you come to? A We landed up on Honey Creek in the edge of Arkansas on Mike Blevins' place.

Q And then moved down into the Cherokee Nation in '66? A Yes sir.

Katie Ridge etc (sup' 113)

SM. M. WOODALL, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

Q Give your name, age and post-office? A M. M. Woodall, 59, Big Cabin.

Q This is a case, Mrs. Woodall, of Katie Ridge, Freedman woman, claiming to be a Cherokee slave before the war of Cherokee, and now claims a right as a Cherokee citizen under the 14th article of the treaty of 1866, were you acquainted with the Ridge family, Cherokees? A Yes sir.

Q Where did you know them? A I knew them in Fayetteville, Arkansas.

Q How did you get acquainted with them? A I married into the family.

Q Who was it? A I married Herman Ridge.

Q About when was that? A I married him in '58, spring of '58.

Q Were you acquainted with one Herman Ridge? A Yes sir, it was my brother-in-law.

Q That was a brother of your husband? A Yes sir.

Q Were you acquainted with Miss Fannie Polston? A Yes sir, she was a sister to my husband.

Q Were you acquainted with Mrs. Sarah Ridge? A No, she died before I went there; she was the mother of my husband, she died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A At Fayetteville, at his sisters, Mrs. Washbourn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation? A No sir.

Q This home that he had was in Washington County, Arkansas? A Yes sir.

Q Did you know a negro woman he had by the name of Katie? A Yes sir.

Q Did she have a husband named Henry? A Yes sir.

Q Have any children? A Yes sir.

Q Could you name any of them? A Cornelius is the only one I ever saw while I was there that I know of; she had other children, but I don't remember of ever seeing them when they were small; I have seen them since they were grown.

BY MR. KELLER:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Didn't he have a farm in the Cherokee Nation? A Not that I ever knew of; there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not; he always lived there; he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the family until 1858 did you? A No sir.

Q That was two years before the war began, isn't it? A Yes sir.

Q When did you see Katie Ridge back in the Indian Territory, in 1866? A I wasn't here in 1866; I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that is, they asked me the same questions you have asked me; they didn't ask me whether she was here in '66 or not; they didn't ask me that question at all; they asked me if I knew her and knew she belonged to the Cherokees before the war, and I told them I did.

Q Are you a citizen of the Cherokee nation? A Yes sir.

Q By what right? A By marriage.

Q You married Herman Ridge's brother? A Yes sir.

Q And by virtue of marrying Herman Ridge's brother you claim to be a citizen of the Cherokee Nation? A Well I never lived in the Cherokee Nation during his lifetime; my present husband is a Cherokee.

Q Your present husband is a Cherokee? A Yes sir.
 Q Where did you live during the lifetime of Mr. Ridge? A We lived at Fayetteville, Arkansas.
 Q How long did you live there? A A year and four months, that was as long as he lived.
 Q That was up just about the beginning of the war? A Well I last lived there until '59. I left there in the fall of '59.
 Q Where was the farm located that the father of Herman Ridge owned in the Cherokee Nation? A Well I don't know, it was somewhere on Honey Creek, but I don't know anything about the farm, that Herman Ridge owned?
 Q No, that Herman Ridge's father owned? A Why it was somewhere on Honey Creek, but I don't know anything about the place; I never was there; I suppose that Dr. Polster lived on part of it, I don't know though whether it was or not.
 Q How long after the close of the war was it that you saw Katie Ridge in Springfield, Missouri? A I never saw Katie Ridge in Springfield, Missouri. I saw her husband.
 Q Oh, you just saw her husband? A Yes sir.
 Q Was she there? A I don't know, he said he was living near Springfield, Henry Ridge told me he was living there near Springfield at the time I saw him.
 Q But you didn't see Katie at all? A No, I didn't see her; at I didn't see any of his family at that time.
 Q When did you see Watie Ridge first? A I saw her in '72 here in the Cherokee Nation, fall of '72.
 Q Where did you see her? A I saw her on the road toward Southwest City on the old Watie place. That's as near as I can tell you; I don't know exactly where on the road I saw her, I was horseback and met the wagon; I was with Stan Watie's daughter, and she told me that was Uncle Henry and his family, and I stopped and spoke to him.

JOHN R. SHIELDS, being sworn by Commissioner Needles, testified as follows:

BY MR. BRILL:

Q Tell that gentleman your name, your age and post-office? A Grove is my post-office; my name is John R. Shields; my age is 53.
 Q Are you a citizen of the Cherokee nation? A I guess not.
 Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through; we are one of these that got behind. I am not a citizen myself at all.
 Q You are a white man, not an Indian? A Yes sir.
 Q Where were you living in '66? A I was living 2 miles north of Southwest City, up on what is known as the "High Road", line between the Cherokee nation and Missouri.
 Q Were you living 2 miles north of Southwest City or what is now called Southwest City? A 2 miles north of what is now Southwest City at the present time.
 Q At the time you lived there was there a town on the present site of Southwest City? A No sir.
 Q What was there? A Honey Creek without anything more, there was a man's farm there, crossing of the road on the Creek; there was no town or village there at all.
 Q Can you state just when a store was first put up there and a town started? A I can't give the exact date, but directly after the war in '46 or perhaps '67.
 Q Who was the first man that went there? A Alex Strothorn and J. F. Langston were the first men to put up stores.
 Q Was there a post-office established there? A Well they kept a post-office there in the store, in the house of Mr. Strothorn I think the post-office was handled.
 Q Well the post-office was there in the store? A Yes sir.

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Q What was the place called then? A Honey Creek. did it

Q How long did it retain that name of Honey Creek, or when changed back to Southwest? A It remained Honey Creek until there was a little village started up there and then it was changed to Southwest City.

Q Was that in one or two or three years? A Well yes, three years perhaps; somewhere along in that range. I don't know just when. I don't recollect the date as to when it was changed, but after the town was started a little.

MR. BELLEFLEUR: I don't believe I want to ask him anything.

JAMES M. BELL, being sworn by Commissioner Heskett testified as follows:

BY MR. BELL:

Q Give me your name, age and post-office? A My name is James M. Bell, aged 59, post-office Needmore, in Vinita, either one.

Q You are a citizen of the Cherokee nation are you? A Yes sir.

Q How long have you lived in this Cherokee nation? A Well with the exception of a few intervals I have been here since '39.

Q Well you have been here 20 years or more? A Yes sir.

Q Were you acquainted with John Ridge's family? A Yes sir.

Q Do you know when John Ridge died? A He was killed the 12th day of June, 1839.

Q Where did he live then? A He lived on Honey Creek, in Delaware District.

Q Did he leave a family? A Yes.

Q Name what they were if you can do it? A As far as his first child was not of sound mind, a girl, Helen Ridge was the next, Hester, Andrew, Susan Washburn, Flora Polston, constituted the family.

Q Well, how long did they continue to reside, or did they continue to reside in the Cherokee nation after John Ridge's death? A I think they moved out immediately, out of the country; they didn't remain long after the death of Ridge.

Q What became of them? A They moved to Benton County, Arkansas.

Q How long did they reside there, or did they continue to live there? A They were living there when I was visiting the family but afterwards moved to Fayetteville, that was in '50 sometime, that I was there.

Q That in Benton County? A In Benton County.

Q Then you say they afterwards moved to Fayetteville? A Yes sir.

Q Where is Fayetteville? A In Washington County, Arkansas.

Q You were acquainted with Hester Ridge were you? A Yes sir.

Q How old a man was he at the time of his death, if you know? A He was between 35 and 40; he was 25 I reckon; between that and 30.

Q Well he was killed when? A He was killed in '65 I believe, or '62, in the Cherokee nation.

Q Well his father was killed in '39, how old did you say he was you think? A I think he was between 25 and 30.

Q Now where did he live and make his home? A He was with his mother; he was a single man, had no family of his own.

Q He was with his mother where? A In Benton County, Arkansas.

Q When did he join the army? A He joined in '62.

Q Hester Well did he come from Arkansas to do that? A Yes.

Q Do you know of him ever having a farm, residence or home in the Cherokee nation after his father was killed and his family moved out of the country? A Never did.

Q You were intimately acquainted with the family were you? A Yes sir.

Q They were closely related to you were they? A Yes sir.

Q By blood, friendship, social matters or what? A It is my mother-

standing that we are related by blood, but what degree I don't know, but the family were intimately acquainted.

BY MR. WELLES:

Q Where did you live just before the war? A My father lived in what was called Flint district down here near Stillwell before the war.

Q Where did the Ridges move from when you say they moved to Benton County, Arkansas? A They moved from off of Honey Creek, Delaware District.

Q That's in the Cherokee Nation? A Yes sir.

Q Well they kept up their farm after they went to Benton County, didn't they? A Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long; Rollin Ridge was the oldest son, and moved back onto the farm with the expectation of restoring the old place I guess, and living there.

Q Now were you there and know all about this personally; did you see that? A I saw Rollin Ridge there, you sir, at the place.

Q I will ask you if Peter Ridge, a slave, was not in charge of that place for the Ridges after they went out into the State? A I don't know anything in regard to that.

Q I will ask you if they didn't leave the Territory because of the murder of John Ridge? A That is the family.

Q Yes. A Left the country on that account, that's my understanding, yes sir.

Q You don't mean to say that they abandoned their citizenship in the country? A Well I don't know; it is my impression that they did.

Q Why? A Why it was impossible for them to live here.

Q All you know is that they were out of the Territory? A Yes, I know that they were out of here.

Q I will ask you now if a Mrs. Ridge, the mother of Herman Ridge, who lived in Benton County, there at Fayetteville, she didn't send her slaves back and forth from where she was to their farm to keep it up? A I know nothing of that.

Q Didn't she take supplies from that farm over to her house at Fayetteville to live on? A She might have done so, but I know nothing of that.

L. H. HAMIL, being sworn by Commissioner Newman, testified as follows:

BY MR. W. W. HASTINGS:

Q What is your name? A L. H. Ham, 52 years old, Vinita.

Q Where were you born? A Well I was born in the State of Georgia I guess, Haversham County, they tell me; I don't have no recollection of it.

Q Where did you live when you were first old enough to remember in the Cherokee Nation here? A Well I think I was right down here below the Grand Saline, below that Frank Adair farm in 1842 when the whole world was flooded. I just have recollection of moving out of there, '43 or '4.

Q Do you remember the Ridge family? A Yes sir.

Q Do you remember where the old Ridge place was on Honey Creek this side of Southwest City? A Yes, I know what they called the old Ridge place, on Peter's Prairie.

Q Were you ever at that place prior to the war? A No lots of times.

Q Now who lived there, acquainted? A Old Peter, the way I first got acquainted with John, Rollin Ridge, a son of John Ridge lived there, him and his family, and he killed a man there and was shot and had to go to California, left there and never came back any more. Then an old man named Peter, an old slave of his, that he had there, remained on the place 3 or 4 years, then it passed into the hands of Dr. Polston, who married Miss, the youngest girl of John Ridge's family; they lived there until I don't know when they left.

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or 4 years.

Q Did you know Herman Ridge? A Yes sir, I knew Herman Ridge as far as I could recollect.

Q Where did you know him? A I knew him in Benton County, Arkansas first next at Washington County, Arkansas at Fayetteville. He was living at Fayetteville when the war came up. He lived there and at Fayetteville from '45 up until the war as well as I could recollect him, and then he come and joined our company, that is the Confederate Army. General Watts was a friendman of his and he joined the 48 regiment that he was raising, and I think he was killed in '63, or maybe '62.

Q Anything else you want to state? A Yes, I want to say I know about that place, except that Watts was at that place and lived there, his wife died in about 1862, his wife and I was.

BY MR. WELLES:

Q You are chief counsel for the Cherokee Nation in the conduct of these Freedmen cases are you? A Yes sir, supposed to be.

MR. WELLES: Well, I believe if that is the case I will let you go.

MRS. M. M. WOODALL, being re-called and further examined, testified as follows:

BY MR. WELLES:

Q Did Herman Ridge keep his slaves, when this Kate up there in Washington County while he lived there? A Yes sir, they lived right there.

BY MR. WELLES:

Q Did she return to the Cherokee Nation at any time after the war while you were there? A Not that I know of.

Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.

Q Now the descendants of the Ridges are still citizens of the Cherokee Nation are they not? A Yes sir.

Q The Washbourns? A Yes sir.

Q The relations are the Washbourns to Herman Ridge? A Mrs. Washbourn was Herman Ridge's sister, the children are Herman Ridge's nieces and nephews.

Q Where was Mrs. Washbourn living when you were living at Fayetteville? A She was living at Fayetteville.

Q And did she live after the war? A At Fayetteville.

Q No, where did she live after the war? A Then I know her after the war she lived here in the Cherokee Nation on Honey Creek.

Q This Mrs. Washbourn was Herman Ridge's sister and lived at Fayetteville with Herman Ridge, is that so? A Yes, she lived at Fayetteville with Herman Ridge, and she went to the Cherokee Nation after the war as a citizen.

Q She was a young lady at the time she was living at Fayetteville? A She was a married woman.

Q Married to Washbourn? A Yes sir.

Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after the war? A Well, I don't know why they went, I don't know.

Q They all came back to the Cherokee Nation after the war? A Yes, Washbourn and her family and children.

Q Polston married Herman Ridge's daughter? A Yes sir.

Q Did he leave the territory during the war? A I don't know.

Q Where was Polston living when the war was on? A He was at Fayetteville.

Q He is back in the Cherokee Nation? A I don't know.

Q He did move back into here? A I don't know.

Q I will ask you if they were ever in the Cherokee Nation? A I don't know.

State Ridge (sup'ly) B.

okes nation? Well I don't know; I know they were living there
and that's all I know; I never heard them say anything about it.

BY MR. HASTINGS:

Q You don't know what kind of people were made of these people,
whether they were of the same or different blood as the white people?
A No sir.

COMMISSIONER HASTINGS: The testimony will be filed in State
Ridge, Cherokee Records D 295, and D 296, and D 297, and D 298
and D 299, D 300, D 301, D 302 and D 303.

(Copies of this testimony have also been made for
C. F. Davis, D. H. Davis, D. H. Davis, and D. H. Davis.)

I, D. Green, being first duly sworn, depose that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 14th, 1901.



Cher Fr D 639

Cher Fr D 639

To be filed in the case of

Rosetta Whitman

C.F.D. # 637

Department of the Interior,
Commission to the Five Civilized Tribes,
Chase, I. T. June 7, 1901.

In the matter of the application of Jane Looney for enrollment as a Cherokee freedman.

Appearances:

Mellette & Smith, attorneys for applicant.
J. S. Davenport, of counsel for Cherokee Nation.

Jane Looney, being duly sworn and examined by Commissioner Brack-
inridge, testified as follows:

Q Give me your name? A. Jane Looney.

Q How old are you? A. I guess I am about 57 or 58.

Q How what is your post office? A. Centralia.

Q In what district do you live? A. Gillingenake.

Q Or Cooweescoowee which? A. Cooweescoowee.

Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.

Q Do you want to apply for anybody besides yourself? A. Yes sir, I have 7 children.

Q Are these children all under 21 years of age? A. Yes sir.

Q Are they all unmarried? A. No sir, some of them married, one girl is married, two girls married.

Q Then you have only five of them? A. Well, I have one boy married, he is in the pen, he isn't here.

Q How many of your children are over 21 years of age? A. All of my children are over 21 years of age.

Q Have you got a husband? A. No sir, my husband is dead.

Q Then you apply only for yourself? A. And two grandchildren.

Q Are these grand children orphans? A. Their father is dead, their mother is not.

Q Well, let her apply for them? A. They live with me.

Q Well let her apply for them? Is that all you have in your family? A. Yes sir.

Q Is your husband dead? A. Yes sir, my husband is dead.

Q How long have you lived in the Cherokee Nation? A. Ever since I have been born.

Q Were you out during the war? A. I went out and staid a while.

Q Give me the name of your father? A. My father was dead before I can recollect him.

Q Give me the name of your mother? A. Rose Wright.

Q Is your mother dead? A. Yes sir.

Q How long has she been dead? A. Been dead ever since slavery.

Q Were you a slave in the Cherokee Nation when the war began? A. Yes sir.

Q To whom did you belong? A. Eli Wright.

Q Was he a well known Cherokee citizen? A. Yes sir.

Q How many times have you been married? A. Once.

Q How long since you married? A. I have been married ever since slavery, married in slave times.

Q What was your husband's name? A. Wm. Bolton Looney.

Q How long has he been dead? A. Been dead going on 3 years.

Q Was he a Cherokee freedman? A. Yes sir.

The 1880 authenticated roll of Cherokee freedmen examined and the applicant not identified thereon.

The 1890 census roll of Cherokee freedmen examined and the applicant not identified thereon.

The roll was examined and the applicant identified the roll, page 127, No 4235, Coonowasscookee district.

Q You went out during the war, did you? A. Yes sir.

Q Where did you go? A. Springfield, Missouri.

Q Did your husband go with you? A. Yes sir.

Q When you came back did your husband come with you? A. Yes sir.

Q You and he went out together and came back together? A. Yes sir.

Q And then lived together all the time after you came back? A. All the time, yes sir.

Q What time did you come back after the war? A. We came back in the winter about just before Christmas.

Q In what year? A. In the year of '86, I think.

Q What time of the year? A. Just about four weeks before Christmas.

Q Well, how come it you are not on the roll of 1880? A. Because the old man died.

Q Well, did you ever apply, or did your husband ever apply for you and the family, to any court in Tahlequah, or any other court? A. No sir.

Q He wasn't before the Daniel Court or the Chambers Court back in '70 or '72? A. No, he never was.

Q And you think that no effort was made to get on the roll of 1880? A. Yes sir, I don't think that.

Q How long have you been here? A. Ever since.

Q Have you any children? A. Frances.

Q How old is Frances? A. I don't know how old Frances is, she was born in slave times.

Q Is she married now? A. Yes sir.

Q What is her name now? A. Frances Smith.

Q Now what is your next child? A. Ellen.

Q She is married, is she? A. Yes sir.

Q What is your next child? A. John Leoney.

Q How old is John? A. I think he is 3 years old, he may be older than that.

Q Give me the name of your next child? A. Rosetta Leoney.

Q How old is your child? A. I think she is 23 or 24 years old, I think.

Q Is she married? A. She has been married, her husband is dead.

Q Does she still go by the name of Leoney? A. Yes, she goes by the name of her husband.

Q What is the name of her husband? A. David Leoney.

Q Well, your next child? A. Lucinda Whitmore.

Q She is married, is she? A. Yes sir.

Q About how old is Lucinda? A. She is about 27 or 28 years old, I don't know exactly. I don't know nothing about them.

Q Which one next to Lucinda? A. George.

Q How old is George? A. George is 52.

Q Now what is the next child? A. That is all, no, Henry.

Q How old is Henry? A. Henry is the oldest.

Q How old is he? A. I can't tell you.

Q Is he older than Frances? A. No sir.

Q Is he older than Ellen? A. Yes sir.

Q Mr. Fawcett, where were you living when the war came up? A. Living in being slave.

Q Where did you go when the war broke out, if you ever left the country? A. Springfield, Mo.

Q Well now, how long did you live at Springfield, Mo.? A. We didn't stay there a year.

Q Did you go to Springfield about the time the war broke out? A. No, I guess we went there during the war.

Q Well, where was your daughter Frances born? A. Born in being slave.

Q That was before you went to Springfield, was it? A. Yes sir.

Q How old was Frances when you first saw her? A. I don't know.

I I think she was either five years old or six, I don't know which.
Q Where was Henry born? A He was born, I don't know where he was born at, either in Kansas or Springfield, I don't know which, because we were traveling all the time.
Q The fact is, you have never had any permanent place of living since the war? A. No sir.
Q How long did you live in Kansas? A. Never lived in Kansas.
Q How long did you live in Missouri? A. I just traveled around in Missouri, I don't know how long we did stay there.
Q About how many years did you stay there? A. I can't tell you.
Q Did you stay there three or four years? A. I think we staid there two years, I think.
Q Well, where did you go from Missouri? A. Came on back down here, camped along, we were traveling by ourselves, nobody with us, by ourselves and come by ourselves.
Q After you got back down here, then where did you go? A. Went over on the river here to my sister in law's, on the Verdigris; not the Verdigris, the Grand river, and staid there two or three weeks.
Q After you staid over on Grand river, where did you go? A. Went on Big creek.
Q How long did you stay on Big creek? A. Staid there ever since we have been here.
Q You never lived in Cotton creek? A. No sir, the old man has been over there.
Q Haven't you lived in Arkansas a while since the war? A. Not as I know of; if we did I didn't know it was there.
Q Didn't your husband and you go over there and live near Cane Hill, Arkansas after the war with a man named Fisher? A. I don't know nothing about him.
Q About five miles from Cane Hill, Arkansas; didn't you live over there a while? A. No sir, not as I know of, we just traveled all the time, we never staid anywhere hardly any time, didn't stop traveling.
Q Never had a home anywhere since the war? A. Not till we came to Big creek.
Q How long have you been living on Big creek? A. Ever since '66.
Q Well, now didn't you and your husband go to Leavenworth, Kansas, and live there a little while there with a fellow by the name of Tom Ross? A. No sir, I don't know nothing about him.
Q Did you ever know such a man as Tom Ross? A. No sir.
Q Well how is it you remember you came back here just four months before a certain Christmas in '64? A. Because I had my oldest boy, he was born, he was 2 years old in the year '66.
Q How old is he now? A. Well, I don't forget, how old he is now I know he was 2 years old the year the treaty was made, he was two years old, he was born in '64.
Q How old is your oldest boy now, do you know? A. No sir, I can't say, I forget.
Q You know he was born in '64? A. Yes sir.
Q What time of the year was he born? A. On the 4th day of July, 1864 of July.
Q Now when did you go to Springfield, Missouri? A. We went there during the war.
Q What time during the war? A. I can't tell you nothing about the year and months.
Q You told me about '66, can't you tell me when the war broke out? A. No sir.
Q Did you go to Springfield after the war broke out? A. I don't know, we were run off, we staid back till the Indians run us away.
Q About how long was it after the war began that you went to Springfield? A. I can't tell you.

Q You certainly have some idea, was it a year or two years? A I guess it was two or three.

Q Well, you staid there about a year? A Yes sir, I guess we did.

Q Now you staid there longer than that? A No sir, we didn't we just traveled.

Q Did you go direct from the Territory to Springfield, Mo? A Yes sir, we went from the Territory to Springfield, and we were just by ourselves, and nobody wasn't with us.

Q Now your child, Frances, you say was born in the Cherokee Nation? A Yes sir.

Q Was she born after you come back from Springfield, Missouri? A She was born in slave time I tell you.

Q She was born before you went to Springfield? A Yes sir, she was born a slave.

Q She was born on the 1st day of July? A No sir, the boy.

Q Well, how old was Frances when you went to Springfield? A I think Frances was either 6 years old, I don't know which, or seven.

Q Was the boy born before you went to Springfield, or after you got back? A No, he was born when we went to Springfield.

Q Before you went? A Yes sir.

Q When you left the Territory for Springfield sometime after July 1, 1844? A Yes sir, I think that is it.

Q Now you staid about a year at Springfield? A No we didn't stay any year at Springfield.

Q Well, how long did you stay? A I think I told you how long we staid; if I knew the numbers and dates I could tell you, but I can't tell you, because I just can't say.

Q Was it less than a year? A I don't know, we staid about something near a year.

Q Did you go direct from Springfield to the Cherokee Nation? A Well the way we traveled around, it would take us a long time, because one was horseback.

Q When you started from Springfield, was your objective point the Cherokee Nation? A Yes sir, back to the Cherokee Nation.

Q How long were you making the trip? A I don't know, because one was afoot and the other horseback.

Q Where were the children? A I had one in my lap and one behind me.

Q How long were you making the trip? A I don't know sir.

Q Did you come by Fort Scott? A No sir.

Q Leavenworth? A No sir, we didn't we didn't come that way, we came through the woods.

Q To what point in the Cherokee Nation did you come when you returned? A I can't tell you.

Q Do you know what district it was in? A No sir, because I didn't know the names of places or districts.

Q Did you come by any point in Arkansas before you came to the Territory? A I think we came to a place they called Bentonsville, I reckon that is the way we came.

Q You didn't go from Springfield to Cane Hill? A Yes sir.

Q That was the time your husband and family was over there and he was working for Fisher over to Cane Hill? A No sir, we never lived on Cane Hill.

Q Do you think you were as much as a year coming from Springfield to the Territory? A I think we were.

Q You traveled pretty much all the time, didn't you? A Yes sir, and camped out, we traveled till we got tired, and then camped in the woods.

Q Did you stop and work along the road? A He would go out and work a little, get enough grub, and then start again.

Q About how long would you work on one place? A Sometimes a day and sometimes not a day, just get something to eat.

A Sometimes a day and sometimes not a day, just to get something to eat.

Q You were not more than a month or two making the trip from Springfield to the territory? A No, sir, I guess not.

(Mr. Pellette) Where did you say you came to when you first came to the territory? A, Came to my sister Judy, Peter Williams' wife.

Q Lived where? A. She lived on Grand river; that is the first place.

MOSE HARDRICK, being duly sworn and examined by Commissioner Breckenridge, testified as follows:

Q Give us your full name? A. Mose Hardrick.

Q How old are you? A 71.

Q What is your past office? A. Chelsea.

Q How long have you lived in the Cherokee Nation? A. All my life.

Q Where were you during the war, were you out? A. Yes sir.

Q Are you on the roll of 1880? A. No sir.

(Mr. Pellette) Do you know the applicant, Jane Looney? A Yes sir

Q Do you know her husband, Bolson Looney? A. I knowed her husband.

Q Did you know them before the war? A. I knowed her husband before the war.

Q You didn't know Jane before the war? A. No sir.

Q Well, where did he live before the war? A. Lived at Murrell's, down in the Cherokee Nation, George Murrell.

Q Who owned him? A. George Murrell.

Q Was George Murrell a Cherokee Indian? A. No sir, his wife was.

Q He was a white man? A. Yes sir.

Q Well, do you know when this applicant and Bolson Looney returned to the Cherokee Nation after the war? A. I don't know, I know when Bolston come to my house.

Q Well, when did he come to your house? A In the summer of '68.

Q Where did he come to your house? A On Grand river, in the Cherokee Nation.

Q You didn't see this applicant then? A. No sir, I didn't see her, Bolston came himself and he was looking for his sister.

Q You don't know where she was? A No sir.

Q Do you know what became of Bolston after that? A. No sir, I don't

Q Did you see him any more? A. I seen him two or three or four years after that.

Q Where? A. He was over here at Vinita.

Q Do you know where he lived at that time, when you saw him at Vinita? A No sir, I don't.

(Mr. Davenport) You are satisfied that when you saw this Bolston Looney over there in the summer it was '66 are you? A. Yes sir.

Q It was earlier than Christmas, or December? A. It was in the summer

Q It was earlier than four weeks before Christmas? A. It was in the summer.

Q You don't know where they had been living prior to that time that you saw him there? A. No, I don't.

Q And you don't know where they lived since that time? A. No sir.

(Commissioner) Do you know anything about this woman being married to Bolston Looney? A. No sir, no more than what he said he had a wife.

Q But you never saw his wife in those days? A. No sir.

Q How long had you known this woman? A. I never seen her until this week at this Court.

(Mr. Pellette) When did he tell you he had a wife? A. Over at the office.

CHARLIE CHAMBERS, being duly sworn and examined by Commissioner Breckenridge, testified as follows:

Q Give us your name? A. Charlie Chambers.

Q How old are you? A 70 years old.

Q What is your post office? A Hudson.

Q How long have you lived in the Cherokee Nation? A Been living here all my life.

Q Were you out during the war? A No sir, I wasn't in the war.

Q Did you go out of the Cherokee Nation while the war was going on?

A I went over in the Choctaw Nation.

Q Were you on the 1880 roll? A Yes sir.

(Mr. McMillan:) Charles, do you know the applicant her, Jane Looney?

A Yes sir.

Q Do you know her husband, Bolton Looney? A Yes sir.

Q Well, when did you first see them after the war; do you remember? A I seen him in '08 in Fort Gibson.

Q Where was he? A He said he left her on Grand river, he told me; she wasn't with him at all, he was by himself.

Q Well, when did they move up on Big creek, do you know anything about that? A I don't know just when they moved up there, I don't know.

Q Did you get acquainted with them up there? A I got acquainted with them before I came from Fort Gibson up here, when I went there they had just moved here.

Q Where were they living then? A They were living out on the prairie, on the west side of Big creek.

Q In what district? A In Cowassawee district here.

Q And that you came up from Fort Gibson and found them about there? A Yes along somewhere in '08.

(Mr. McMillan:) You say you saw Bolton Looney at Fort Gibson in '08? A Yes sir.

Q What time in the year was that? A Why it was along a while, just a while before Christmas, little while before Christmas.

Q Now that Bolton Looney testified in 1890 that he never returned to Fort Gibson at all, was that true or untrue? A If he gave such evidence as that in 1890, that he never did return to Fort Gibson, is that true or untrue? A I seen him there.

Q I asked you, if he testified that, was it true or untrue; in giving his testimony before the Kern-Clinton Commission, is he giving such evidence as that, was it true or untrue? A I can't answer that question.

Q When did you come back to this country? A I came back in '08, they told me in '08.

Q Are you on the 1880 roll regularly? A Yes sir.

Q Did you have any conversation with Bolton Looney at Fort Gibson in '08? A No sir, not but a very little bit.

Q Was he alone with him? A He didn't have anybody with him, I just went into Gibson and seen him there, and I went to him and shook hands with him, and I was acquainted with him.

Q Did you know him then when the war broke out? A Didn't

know him, I don't know where they went during the war?

Q Did you know the place where they had lived, or where you came back after the war? A I stopped at the place of Fort Smith, on this side the river in that neighborhood.

Q Did you live in that neighborhood? A Yes sir, I came back and lived where I used to live, lived on the same place I

lived in the Choctaw Nation.

Q When you returned up there, there were others living there on that same place? A Yes, of course, so that.

Q A Mr. Chambers and his wife; of course, he was dead, but his wife was living on the same place.

Q Where had the right family come? A. They were south too.

Q Do you know to whom Bolston Looney belonged at the breaking out of the war? A. Yes sir, belonged to George Murrell.

Q Where was George Murrell living? A. Well, George Murrell was living there in what they call Park Hill.

Q How far was Park Hill from where you lived at the Chambers place?

A Well, it was all pretty near the same place, it was all called Park Hill where they all lived, we didn't live just two or three miles apart.

Q George Murrell was a man who had a farm in Virginia and lived in Virginia the greater part of his time? A. I suppose he had a place there.

Q He lived there the greater part of his time? A. Pretty much.

Q Also kept a part of his slaves in Louisiana? A. I guess he did, I understand he did, anyway.

Q Did George Murrell ever have a permanent home at Park Hill, where he himself and family resided; George Murrell ever live permanently with his family at Park Hill, in the Cherokee Nation? A. Yes sir, he was there, called that home.

Q He would go back and forth? A. Yes sir, he would be there, because I knowed him.

Q His wife was a sister of Mrs. W. P. Ross, who now lives at Fort Gibson? A. Seems to me she was the daughter of Lewis Ross.

Q Wasn't she a sister of Mrs. W. P. Ross? A. Yes sir, that is right.

Q Then Bolston Looney didn't belong to Jane Looney at the breaking out of the war? A. No sir.

Q And you don't know who this man belonged to at the breaking out of the war? A. Yes sir.

Q Who did she belong to? A. Eli Wright.

Q How do you know that? A. I seen her there.

Q How far did Eli Wright live from Park Hill? A. He lived a good ways, but I was all over the country in them times.

Q About how far? A. I can't tell you just exactly it was.

Q Was it a hundred miles? A. No, I guess now since I come to be grown I expect it was somewhere between thirty and forty miles over there.

Q You lived in there at Park Hill, you say? A. Yes sir.

Q And the other parties lived over thirty or forty miles from you?

A. Yes sir.

Q There was no way of getting back and forth except by horse? A. No sir, except on horseback.

Q And there was no settlement between the Park Hill settlement and the settlement of going snake where they lived? A. I expect there was, I just went through there, I was going to Cincinnati.

Q When were you at Eli Wright's place, when you claim to be the owner of this woman before the war? A. I didn't stay very long.

Q How long did you stay? A. I was there one time.

Q When did you next see this woman after the war broke out? A. Why I never seed her any more until I come from Tallapoosa up here on Big Creek.

Q When was that? A. That was along in '67.

Q They haven't had a permanent place of living, have they, since the war nor husband? A. Yes sir, they had a log house put up.

Q Didn't they just live from place to place and town to town? A. Well, he did for a while, and that time he told me his wife was over on Grand River.

Q What makes you know it was just before Christmas, in '66 you saw him down there? A. Because I know him, because I asked him to come take Christmas with me.

Q How long before Christmas was it, and what year after the war broke out? A. I don't know what year the war broke out.

Q How long before Christmas and in what year after peace was declared? A. I can't hardly tell you that.

Q What year, and how long before Christmas was it the Army was made? A I know one thing, I know the people near where I was living told me that peace had been declared and the folks was all coming home and I packed up and lit out too.

Q Well, how long before Christmas was the treaty made, and what year? A. And I know right after that, in the next year after I came up there, that was when I saw him.

Q Who was living in Fort Sibley at the time you saw him? A. I can't tell you, there was a plenty of soldiers there.

Q Wasn't there some Cherokee families there, or colored families? A There was one or two colored families there, I can't tell you, it has been so long ago.

Q Lewis Daniels was living there? A Lewis Daniels was living around there somewhere.

Q And W. H. Nash was living there, wasn't he? A. I don't know.

Q W. P. Ross? A. Yes sir, I believe he was, I believe he was living around there some place, but I don't know whether he was living in town or not.

Q You don't remember anyone living there except you saw Holston Looney there, is that all? A. There is a man now lives right close to where there is a little bridge going down towards the river, that they call Vann.

(Commissioner) You say you knew this woman before the war? A. Yes sir.

Q Was she married to Holston Looney then? A. I think she was, she had one child, I think she was married to him; I don't know for certain whether she was or not.

Q Where did you first know her certainly as Holston Looney's wife? A I never knew her really as his wife, not till he came back here with her.

Q When did you first see her with him after the war? A That was in '87, and I am just going to tell you just exactly.

Q You saw him and her together at that time? A Yes sir, they were living together.

Q As husband and wife? A. Yes sir.

Q Have you seen more or less of her ever since? A. Yes, I saw her off and on all the while since.

Q And of him also? A. Yes sir, they were living together.

Q He died about three years ago? A. Yes sir.

Q Have you seen them ever since as husband and wife? A. Yes sir, they been living ever since as husband and wife.

Q Now this George Marshall that you spoke of, was his wife? A I think it was a daughter of Lewis, that is if I mistake not.

Q She was a Cherokee woman was she? A. Yes sir.

Q That the family of old Chief Ross? A Yes sir, if I am not mistaken he was her brother.

Q You think then George Marshall's wife was a niece of the old Chief? A Yes sir, I think she is as well as I can recollect.

(Mr. McIlletto) Didn't George Marshall build a fine house at Park Hill? A. Yes sir.

Q Was it brick or frame? A. I don't just recollect what the house was built of, it was a fine house.

Q It was the house R. B. Ross lived in now? A. Yes sir, I think it is.

(Mr. Davonport) Is you know where that house is now? A Yes sir, Lewis Ross' son Ross, he was living there as I know it. Ross was living at Tahlequah, the son of Ross was living there.

Q What made you answer Mr. McIlletto that you thought the house George Marshall built was the house that Ross was living in now? A Maybe I didn't understand him good.

(Mr. McIlletto) I asked you if George Marshall didn't build a fine house at Park Hill? A Yes sir.

Q You know about that? A. Yes sir.

Q Then I asked you if Ross Ross is living in that house now? A Yes sir.

know where Mr. Ross is living now, I misunderstood you sir, I beg your pardon.

Commissioner: The applicant is identified in the Kern Clifton roll, but not upon the roll of 1880 or upon that of 1884. It appears that she and her deceased husband were slaves in the Cherokee Nation at the beginning of the Civil war, and were the property of Cherokee citizens. They seem to have lived together at the time of the war, and to have gone into the State of Missouri. The plaintiff has returned to the Cherokee Nation about four weeks before Christmas, in 1886. The testimony on this point is somewhat conflicting. With a view to the application of her children, they have been identified in the course of the examination of her children, and it appears that their claim will depend upon the claim that may be established for their mother or father. It seems that the marriage between the applicant and her husband was lawful, they have been married, according to her testimony, since before the Civil war, and have lived together until his death, some three years ago. She will now be listed for enrollment as a Cherokee freedman on a beautiful card, for the further consideration of the testimony, and the final decision of the Commission will be made known to her at her post office address.

The Kern Clifton roll, examined and the husband of Jane Lorne, identified as John, page 173 No 1254 1884, Doonescooee district, as Boston Loney.

Brace C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Brace C. Jones

Sworn to and subscribed before me this the 12th of June, 1891.

(signed) T. B. Needles,
Commissioner.

I, Chas. von Weiss, upon my oath state that the above is a true copy of the original.

subscribed and sworn to before me this 28th of August, 1891.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chalaco, I. T., June 10th 1901.

In the matter of the application of Rosetta Whitacre for the enrollment of her herself and two children as Cherokee freedmen she being sworn by Commissioner G. B. Breakinridge, testified as follows:

- Q What is your name? A. Rosetta Whitacre.
Q How old are you? A. 33.
Q What is your post office? A. Wymor.
Q In what district do you live? A. Coconino.
Q Do you wish to be enrolled as a Cherokee freedman? A. Yes sir.
Q Do you wish to have anybody enrolled besides yourself? A. Yes sir two children.
Q Have you a husband? A. Yes sir.
Q Do you want to apply for him? A. No sir he has already been enrolled.
Q He applied separately? A. Yes sir.
Q What is the name of your husband? A. Sam Whitacre.
Q Is he on the roll of 1886? A. No sir, I don't think he is.
Q He was a contented man was he? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Give me the name of your father? A. Benson Leoney.
Q He is dead is he? A. Yes sir.
Q Been dead 2 years? A. Yes sir.
Q Give me your mother's name? A. Jane.
Q She is alive? A. Yes sir.
Q When were you married? A. Married in '87.
Q Were you ever married except to your present husband? A. Yes sir.
Q How many times have you been married? A. Twice.
Q Give me your first husband's name? A. John Beason.
Q Is he dead or alive? A. Alive.
Q Was he a white man or a Cherokee freedman? A. Cherokee freedman.
Q Is he the father of any of those children? A. Both of them.
Q Is he on the roll of 1886? A. His mother is.
Q Has he applied to be enrolled already? A. I don't know.
Q When were you and John Beason married? A. In 1886.
Q How long did you and he live together? A. 3 years.
Q Give me the name of his father? A. I don't know it.
Q Give me the name of his mother? A. Mary Eaton.
Q Is she alive now? A. Yes sir.
Q Is her name Eaton at this time? A. ~~Whitacre~~ Her last husband was Peter Hudson.
Q Is there some one here that knows that you have been married to those two men? A. Yes sir my mother.

JANE LEONEY called and sworn as a witness testified as follows:

- Q What is your name? A. Jane Leoney.
Q How old are you? A. About 57.
Q What is your post office? A. Centralia.
Q Do you know this applicant here? A. Yes sir.
Q Is she your daughter? A. Yes sir.
Q How many times has she been married? A. Twice.
Q Give me the name of her first husband? A. John Beason.
Q Do you know if John Beason was ever married before he married her? A. I don't know.
Q About how long has it been since she and he were married? A. About five years.
Q You don't think that it has been five years since they parted don't you? A. I don't remember much about the time.
Q Was John Beason the first man she ever married? A. Yes sir.
Q Has she any children by him? A. Yes sir two.
Q Did she and John Beason part? A. Yes sir.

Rosette Whitmire, 3

- Q Who did she marry next? A. Sam Whitmire.
Q Is she living with her husband? A. No sir.
Q How long did she live with him? A. I can't say.
Q She is going by his name? A. Yes sir.

By the Commission of the applicant

- Q Was John Beason married before he married? A. you? A. Yes sir.
Q How many times? A. Twice.
Q You were his third wife then? A. Yes sir.
Q What was the name of his first wife? A. Mattie Adams.
Q Do you know when he married Mattie? A. No sir.
Q Is she living or dead? A. Living.
Q Who was it he married after he married Mattie? A. Helen Whitmire.
Q Is she alive or dead? A. Alive.
Q And then he married you? A. Yes sir.
Q Do you know if he ever got a divorce from Mattie Adams? A. No sir I don't know.
Q Do you know if he ever got a divorce from Helen Whitmire? A. No sir.
Q How long had he been parted from Helen Whitmire before he married you? A. About two years.
Q How long had he been married to her before he parted from her? A. About two years.
Q Do you know how long he had been married to Mattie Adams before they parted? A. No sir, I was small then.
Q Give me the names of your two children? A. Essie Beason.
Q How old is she? A. 9 years.
Q The name of the next child? A. Bennie Beason.
Q How old? A. 8 years.
Q Are both of these children alive now? A. Yes sir.
Q Did you draw Cherokee strip money for these two children? A. Yes sir.

The Kern Clifton roll examined and the name of the applicant and her children identified as follows:
Page 173, No 4366, Rosetta Looney, Seeweescoowee district.
Page 174 No. 4365, Essie Beason, Seeweescoowee district.
Page 174 No. 4366, Bennie Beason, Seeweescoowee district.

By Com'r Breckinridge,--

The applicant applies for herself and two children; the applicant is identified on the Kern Clifton roll; neither she nor any of her family are identified on the rolls of 1880 or 1890; she belongs to the family of Beason and Jane Looney, the former being dead and the latter being alive. The applicant's change of name arising from marriage is established in a satisfactory manner; she has lived in the Cherokee Nation all her life; she will be listed for enrollment as a Cherokee freedman on a doubtful card and her status will shown by the testimony in the case of her mother Jane Looney on Cherokee Freedman doubtful card No. 7, and a copy thereof will be filed with this case. The final decision of the Commission will be made known to the applicant at her post office address. Her two children are identified on the Kern Clifton roll, her are the children of her first husband and their names are Essie and Bennie Beason. It appears from the testimony that the father of these children was twice married before he married the applicant, that he separated from both of his first

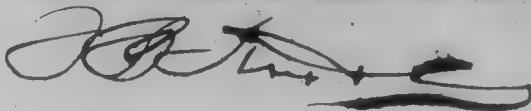
Rosette Whitwire 3.

mer wives, and there is no evidence that he ever procured a divorce from either of them; therefore according to the testimony these children will have no claim to enrollment except through the status of their mother. They are both living at this time and are minors and they will now be listed for enrollment as Cherokee freedmen on a doubtful card with their mother; if John Deason, the father of these children should apply, his case may be examined with reference as to whether he was in a position to contract a lawful marriage with the applicant in the year 1896, the time of their marriage. The decision of the Commission as to the final status of these applicants will be made known to the applicant at her post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 21st of June 1901 at Nowata I. T.



Commissioner.

F. D. 639

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this.....
day of A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190....

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the..... day of A. D. 190....

.....
Subscribed and sworn to before me
this

.....
Notary Public.

**Proof of Service made
and original filed with the
DAVES COMMISSION.**

FEB 12 1902

NOTICE!

IN THE MATTER OF the application of Rosetta Whitmire
for enrollment as Cherokee Freedmen:

Case No. F. 1320

To Rosetta Whitmire, Wirtz I. T. or Atchison Ks.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on FEB 17 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this FEB 4 1902

L B Bell

*W. W. Hastings
Jas. S. Davenport*

Attorneys for the Cherokee Nation.

File with C. F. D- 639, Rosetta Whitmire, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY OF BEARER OF CHEROKEE NATION in the
matter of the application of Jane Looney for enrollment as a Cherokee Freedman, D#597.

Appearances:

R. Smith, of Bellette & Smith, Vinita, I. T., Attorneys
for applicant;
W. W. Hastings, attorney for the Cherokee Nation.

FRANK FEEHAN being first duly sworn and being examined
testified as follows:

BY W. W. HASTINGS:

- Q What is your name? A Frank Feehan.
Q How old are you? A 65 years old.
Q Where do you live? A Atchison County, Kansas.
Q How long have you lived in that County? A Since January '58.
Q Did you know a colored woman up there in Atchison County Kansas
by the name of Jane Looney? A I did.
Q Did you know her husband? A I did.
Q What name did her husband go by? A Andy Looney.
Q Did you know any of Jane's children? A Yes; I know Frances.
Q What is her present name? A Smith.
Q What was her husband's first name? A I did not know that.
Q Did you know any of the rest of her children? A Why, I have seen
several of them, I have no particular knowledge; they have worked
around for my daughter and myself some but I have no particular knowl-
edge of the other two of them.
Q What are the others named do you know? A Really I don't know
how many children she has got.
Q I mean of Jane Looney? A Oh I thought you were speaking about
Frances. Jane Looney yes, I know Frances is her oldest daughter,
and the oldest boy was born on the place where I live now, Henry,
he was born in '64.
Q You mean in '64? A Yes sir.
Q Well what is the next one? A There was a John, there was sev-
eral children after they left our neighborhood, I don't know how
many they had after they moved to Atchison, there was a Ellen,
there was a George, and there was a John, then three I heard of,
not personally known then either.
Q Her husband there was known as Andy Looney? A Yes sir.
Q When did you first learn to know this man and woman in Kansas?
A It was either in '63 in the fall or in the spring of '64, I won't
be positive, but it was either one of those times.
Q Where did they live in '64? A On the place I own now,
Q How long did they continue to live there? A Until spring of
'67.
Q Continuously all the time? A Continuously all the time, farmed
the place.
Q Where did they go in the spring of '67? A They moved to a place
right adjoining it on the east where old man Tilman built a little
cabin there, they lived there two years.
Q That would be the spring of '69? A Yes sir.
Q Then where did they go? A Then in the spring of '69 they moved
on the place right north of us.
Q How far from you? A The house not being more than about 40
rods from where I live now.
Q How long did they live there? A Two years.
Q That would bring it up to '71? A Yes sir.

- Q Then where did they go? A They moved to Atchison.
- Q How far is that? A 5 or 6 miles, we call it 5 or 6 miles.
- Q Did you see them after that? A I saw them 15 years after that, positively and I might say 20, but 15 years anyhow; I saw Andy Looney in '92 the last time and had a long talk with him; he was fencing ground for my daughter.
- Q Did you see him frequently after he went to town? A Yes sir.
- Q You know when he left up there? A No.
- Q You say '92 is the last time you positively remember seeing him? A Yes sir, I had no ~~business~~ dealings with him; that is the last time I talked with him and I didn't know he had gone until here a few years ago.
- Q How about Frances Smith? A She lived there in Atchison.
- Q Does she live there now? A She lived there now, her husband is working there and the family is there.
- Q When is the last time you saw her? A Well I have not seen Frances for several years, because I have no dealings or no need of seeing her, but I have seen her children, I saw one of her children that worked for me this winter up until January.
- Q Up until this last January? A Yes, this last January last month, and he worked for my daughter the last month.
- Q What is that child's name? A Fred Smith.
- Q Do you know John Looney or Henry Looney of these boys? A I know Henry, because he was born on my place and I have seen him since, he is now in the penitentiary.
- Q What is he in the penitentiary for? A Killing his wife.
- Q Did you know any of the rest of these boys living up there now? A There is one by the name of John, but as I have no business with him I see him and that is about all, I have no personal knowledge of him much.
- Q Now you said they left there and went to Atchison about '71? A Yes, to the City of Atchison.
- Q You say you had occasion to meet them frequently? A Yes sir, often.
- Q Did they ever do any work for you after '71 until '92? A Not for me, but my son-in-law, he would do little things in the garden and take care of the house and I would see him, - saw wood, any little thing like that.
- Q You know where they were living? A Oh yes.
- Q You saw their house? A Oh yes sir, many a time.
- Q How far were they living from your son-in-law? A Not more than a quarter of a mile, my son-in-law lived in the south Atchison and they lived in South Atchison, about a quarter of a mile.
- Q Well then from about '63 or '4 up until '71 they lived out there either on your farm or the adjoining farm? A Right close adjoining and many a day he has worked for me.
- Q What is your business? A Farmer.
- Q Are you a farmer yet? A Yes sir.
- Q You live on the same place? A Yes sir.
- BY MR. SMITH:
- Q Mr. Neerman, how long have you lived in Kansas? A Since the winter, since January '68.
- Q The people you talk about are people you first became acquainted with in '63 or '4? A Yes sir.
- Q Which was it? A The Looney family? they consisted of Andy Looney his wife Jane, and the daughter Frances, about 6 or 7 years old, and the child Henry was born on the place where I live now, they had a cabin, and he was born there.
- Q Do you know which year it was, whether it was '63 or '64? A I am not positive, but it was not later than that.
- Q Now you say the husband of this woman was called Andy? A Andy Looney he went by, yes sir.
- Q How long has it been since you saw the Jane Looney to whom you refer? A Oh it has been a good many years, I couldn't tell you when;

Of course she didn't get out like her husband Andy and the sons so I could see her and I had no business with them and I didn't hunt her up.

Q You know whether Andy Looney is living or not? A I understand he is dead.

Q When did you last see him? A Last time I saw him was in the summer of '92 that I saw him personally and talked with him in Atchison, Kansas.

Q He was living there then? A Yes sir.

Q You don't know whether the people that applied here for admission are the same people you know at all? A I don't know anything about that at all.

H. C. KING, being first duly sworn and being examined testified as follows:

BY R. HASTINGS:

Q Give the stenographer your name, please? A H. C. King.

Q How old are you, Mr. King? A 41 years old.

Q Where were you born? A Atchison County, Kansas.

Q You lived in that vicinity all of your life? A No sir, not all the time.

Q Where do you live now? A I live in Atchison County.

Q Where were you living when you were 7 or 8 years of age? A In Atchison County.

Q Did you ever know a colored family up there by the name of Looney? A I know her.

Q You know what the woman's name was? A I don't remember every one, what her name was.

Q Don't remember? A No, not her name particularly.

Q Did you remember his name, Andy? A He was known as Andy Looney.

Q Did you know any of his children? A I remember one named Henry Looney.

Q What became of him? A I learned that he was in the penitentiary from what I heard.

BY R. SMITH: I object to that.

Q You don't know only what you have heard? A Just what I have heard there in town; it has been several years since I heard it.

Q Did you know any of the rest of the family? A I know two now, there's two now that I remember that I know, John Looney and Frances Smith.

Q Where does John Looney live now? A In Atchison.

Q When did you last see him? A Last Saturday about one o'clock.

Q You know whether he is single or married? A He is married I understand.

Q You know whether Frances is single or married? A She is married.

Q You know where she lives? A Yes sir.

Q Where? A She lives 716 W. Street, Atchison.

Q You know what her husband's name is? A I know of him as Doctor Smith.

Q They live there in Atchison? A Yes sir, that is my understanding. I am not acquainted with the man.

Q Were you at her house? A Yes sir.

Q Therefore you are correct as to her place of residence? A Yes sir.

Q How was this Looney family that you knew, this man and woman, the father and mother of these children John and Henry and Frances?

A That has always been my understanding, that they were the children of the family.

Q You know that like you know anything else in the neighborhood?

A Like I know anything, yes sir.

Q When did Andy Looney and his wife leave that country? A I couldn't say for certain about that, I heard of them leaving about

'96, I had been away from Atchison and came back in 1896, I had been away about 12 or 13 years.

Q When did you leave Atchison County? A I ~~left~~ left Atchison County in '83 I think it was '83 or '4.

Q You know whether these Looney's that you speak of were living in '83? A They had been living in Atchison last I knew of them before that, I didn't know just where they was in '83.

Q How long had you known them to be ~~living~~ living around in Atchison? A I would judge about 15 years anyhow, something like that.

Q Continuously? A As near as I could learn, occasionally I would see them.

Q You left there about '83 or '4 and came back in '96 and they were gone? A Yes, that is I learned they were gone, I lost track of them anyway., I wasn't particularly acquainted with the younger ones; I remembered Henry as a boy, he wasn't much younger than I was.

Q You don't remember as far back as '66, you are too young? A Well I couldn't say as to the date when I got acquainted with them, but I know when I moved out of the neighborhood in which they lived, the old neighborhood, that was in the fall of '70, I lived about two miles for several years, probably from '65 to '70, within about two miles of Mr. Neerman, and they lived right in the Neerman neighborhood, either on his place or the Tilman place; I know about where they lived.

Q That is as far back as your recollection extends? A Yes sir,

Q They afterwards moved to Atchison? A Yes, I have seen them around Atchison and I understood that they lived there.

BY P. SMITH:

Q How ~~long~~ ~~old~~ old did you state you were? A 41 years old.

Q You don't remember the name of Andy Looney's wife? A No sir.

Q How many children do you remember? A I don't remember but one particularly; when they were small children.

Q You can only give the name of one child? A That I remembered at that time, when I was a boy.

Q Now when you first knew these people that you speak of you were how old did you say, seven years old? A I was from 6 to 10 somewhere in there, I knew them before I was 10 years old I remember, I lived in the neighborhood with them.

Q Where did you last see any of them? A I saw one that I got acquainted with, John Looney in late years I saw him in Atchison last Saturday.

Q How long have you been living in Atchison County? A 6 years this last time, or about 6 within a month or two of it.

Q You were away awhile? A I was away from Atchison County some 12 or 13 years.

Q Where were you then? A I was in Jefferson County about 10 years and in Oklahoma about 2 years or such a matter.

Q You knew Andy Looney's wife did you? A I knowed her when I was a little shaver.

Q How long has it been since you saw her? A I don't know that I have seen her since in the neighborhood of '70 possibly, along there somewhere, I couldn't say positively.

Q You were there weren't you up until '84? A Not in that immediate neighborhood; they moved out of that neighborhood to town.

Q How far was it to town? A Well it is 8 or 10 miles.

Q And you have never seen her from that time to this? A Not that I know of.

Q You don't know whether it is the same Jane Looney or whether that is the woman that is an applicant in this case or not? A I could not say about that.

Q Was that a thickly settled community in there where they lived in that country? A Pretty thickly settled, yes.

Q Good many people live in Atchison? A Yes sir, along about 16000.

IT IS CONFIRMED. This testimony will be filed as part of the record in the following Charles Frederick Douglas cases: 636, 637, 638, 640, 641 and the case at bar, 637, also filed in District.

E.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me on this August 26, 1902.



Notary Public

R.
C: D-638.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

Supplemental testimony and proceedings, in the matter of the application of James M. Coker for the enrollment of himself, wife and children; in the matter of the application of Charles H. Reinhardt (D-623) for the enrollment of himself and wife; Orate Coker, D-638) for the enrollment of himself and child; and Ada F. Barr, (D-659) for the enrollment of herself, as Cherokee citizens.

Appearances:

E. B. Lawson, Nowata, I. T., attorney for applicants;
W. W. Hastings, attorney for the Cherokee Nation.

By Commission: James M. Coker was notified by registered letter February 15th, 1902, that his application for the enrollment of himself, wife and children as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902. Receipt has been acknowledged of the Commission's letter, and the applicant this day, appears by his attorney, E. B. Lawson, of Nowata, Indian Territory, and by agreement with the representative of the Cherokee Nation the case is taken up for final consideration this the 5th day of March, 1902.

D-623:

James H. Reinhardt was notified by registered letter February 15th, 1902, that his application for the enrollment of himself and wife as citizens of the Cherokee Nation would be taken up by the Commission for final consideration at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902; receipt has been acknowledged of the Commission's letter and the applicant this day, to-wit: the 5th day of March, 1902, appears by his attorney, E. B. Lawson, Nowata, I. T.

D-659:

The applicant, Orate Coker, was notified by registered letter February 15th, 1902, that his application for the enrollment of himself and child as citizens of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 5th day of March, 1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 5th day of March, 1902, appears by his attorney, E. B. Lawson, Nowata, Indian Territory, and by agreement the case is taken up for final consideration.

D-659:

The applicant, Ada F. Barr, was notified by registered letter February 15th, 1902, that her application for enrollment as a citizen of the Cherokee Nation would be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, on the 11th day of March, 1902; receipt has been acknowledged of the Commission's letter, and the applicant this day, to-wit: the 5th day of March, 1902, appears by her attorney, E. B. Lawson, and by agreement the case is taken up for final consideration.

By Mr. Lawson: In the first place I desire to call attention to the fact that in the application of Reinhardt and Barr, it seems that he states that James H. Coker was admitted to citizenship in 1881, and that is the case of Orate Coker, and James M. Coker. I desire merely to call attention to this fact to have the matter corrected, and to show that the cer-

the admission of James M. Coker bears date of September 24th, 1881.

Mary Elizabeth Coker, being first duly sworn and being examined testified as follows:

By Mr. Lawson:

- Q State your name? A My full name is Mary Elizabeth Coker.
Q Where do you live? A At the present time.
Q Yes ma'am? A At Coody's Bluff, Cherokee Nation.
Q Are you the wife of James M. Coker? A Yes sir.
Q When were you married to James M. Coker? A In 1871.
Q Where were you married? A Arkansas.
Q What county? A Marion County.
Q You were married in Marion County in the State of Arkansas in 1871? A Yes sir.

By Mr. Lawson: I desire to file the affidavit of the clerk of Marion County, stating that the marriage records of that county for 1870 and 1871 cannot be obtained, or a certificate cannot be shown of those marriage records, for the reason that the records were burned.

By Commission: Document referred to was received by the Commission on the 8th day of December, 1900, and has been made part of the record in the case of James M. Coker, et al.

- Q Have you been living with James M. Coker as his wife ever since you married in 1871? A Yes sir.
Q Mrs. Coker, do you know when your husband came to the Cherokee Nation, that is, removed here? A He moved here in 1893.
Q Who came with him at that time? A Why there was a man came out with us by the name of Scott.
Q Did your family come at that time? A Yes sir.
Q Name the family? A Mary Ann Coker, Craton Coker, Ida May Coker, Ada Coker, Joseph Coker, Charles Coker and Ethel Coker and myself.
Q Since 1893 where have you and all of the family just mentioned by you been living? A We lived two years near Chelsea; then we moved to the place we are living on now, near Coody's Bluff.
Q I will ask you if you and all the family that you have just mentioned have lived in the Cherokee Nation since 1893? A We have lived here all the time since that.
Q Now what children were born to you before you came to the Cherokee Nation, name them? A Mary Ann Coker and Craton Coker and Ida May Coker and Ada Coker and Joseph Coker and James Coker and Ethel Coker.
Q All born before you came here? A Yes sir.
Q Now are any of these daughters married? A I have got two married daughters now.
Q What are their names? A Ada F. Barr, she is now; and Mary Ann Reinhardt.
Q Is Mary Ann Reinhardt the wife of Charles H. Reinhardt? A Yes sir.
Q I will ask you Mrs. Coker if you know whether or not Mr. Coker and these children drew the strip money in the year 1894? A Yes sir.

By Commission:

- Q Were any of these children married prior to 1894? A No sir.
Q They were all single then? A Yes sir.

By Mr. Lawson: They were denied the pay out in 1894, and the Cherokee Council met in November of the same year, and the bill was introduced appropriating the money.
1894 pay roll of citizens of the Cherokee Nation examined for all of applicants and their names not found thereon.

By Mr. Lawson: I will state here that the reason I have not that certificate was that I was informed by the Executive Secretary of the Cherokee Nation, at Tahlequah, that it was in the hands of the Dawes Commission, and that he could not give

us the certificate that was a mistake, and I will get that later on.

I believe that is all I care to introduce.

By Mr. Hastings: (Waives cross-examination.)

By Mr. Lawson:

I have my briefs prepared, and I desire also to file a certified copy showing that this money was paid to these parties in 1894; and desire it to be made part of the records in all of these cases.

By Commission: The attorney for the applicant will be granted ten days in which to file a certified copy of the act referred to.

The attorney for the applicants files in the case of the application of Grace Coker, a brief; also a brief in the case of Ada F. Barr; also a brief in the case of Charles Reinhardt; and in the case of James M. Coker.

By Commission of Mr. Dawson: Do you, in behalf of the various applicants mentioned herein submit the case to the Commission? A Yes sir.

Q Do you submit, Mr. Hastings? A Yes sir.

By Commission: The attorney in behalf of the applicants and the attorney in behalf of the Cherokee Nation present submit the case; same is deemed completed, and will be reported to the Commission for final decision, based upon the evidence now of record in addition to the certified copy of the act of Council to be filed within ten days by the attorney for the applicants.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy and that the same is a true and complete transcript of the original manuscript.

Subscribed and sworn to before me this 18th day of April, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Robert A. [unclear], et al'

639

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

Cherokee Freedman D 597-633-
635-637-639-640-643-1109.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C.

MOTION for leave to be enrolled as a Cherokee Citizen by blood.

Comes now Rosetta Greenlee, nee Whitmire, and by her attorneys, Talley & Harnage, and moves that the Honorable Secretary of the Interior enroll her as a Cherokee citizen by blood, and for ground of motion states:

That she is a citizen by blood of the Cherokee Indian Nation; that her father, Boson Looney, is a Cherokee citizen by blood; that Boson Looney was the son of John Looney, a citizen by blood of the Cherokee Indian Nation; that said John Looney was an old settler Cherokee Indian, and Chief of the Western Cherokees at one time, as is shown by the testimony of Joshua Ross which was taken before the Dawes Commission at Muskogee, Indian Territory, on the 10th day of August 1906;

Wherefore your petitioner prays the Honorable Secretary of the Interior that she be enrolled as a Cherokee citizen by blood.

Cherokee Freedman D. 597-633-635-637-
639-640-642-II09.

DEPARTMENT OF INTERIOR WASHINGTON D. C.

MOTION FOR APPEAL TO THE HONORABLE SECRETARY
OF INTERIOR WASHINGTON D. C.

Comes now Rosetta Greenlee, and by her attorneys, Talley and
Barnage moves an appeal from the decision of the Honorable Commissioners
to the Five Civilized Tribes to the Hon. Secretary of Interior, and if
for ground of motion states;

That she is citizen by blood of the Cherokee Nation
as shown by the testimony of Joshua Ross filed in this case and by
the rolls of the Cherokee Nation, showing the enrollment of the
John Looney, an Old Settler Cherokee Indian, that she is the daughter
of Benson Looney the son the said John Looney, and that all the testi-
mony introduced in her case shows that she is a citizen by blood of
the Cherokee Nation, and she files herewith her affidavit for
appeal:

Wherefore your petitioner by her attorneys, prays that she be
transferred from the Freedmen Roll to the Roll of Citizens by blood
under the provisions of Section 4, Act of Congress approved April 26
1906.

Attorneys for Rosetta Greenlee.

United States of America,)
Western District,) S3.
Indian Territory.)

Personally appeared before me Rosetta Greenlee, nee Whitmire, who being by me first duly sworn on oath deposes and says; that her maiden name was Rosetta Looney; that her grandfather was John Looney, a full blood Cherokee Indian; that his son Bossen Looney was her father, he married Jane Wright, a Cherokee slave:

Affiant further states that she is entitled to enrollment as a citizen by blood, and not as a freedwoman citizen in the Cherokee nation: The testimony of Josiah Ross shows that Looney was a Cherokee, and that she is the grand daughter of this John Looney, a Cherokee by blood.

Affiant further states that she has purchased improvements on 120 acres of land in the Cherokee Indian Nation while her citizenship is pending, and upon which she intends to file in the event that she is finally enrolled.

Rosetta Greenlee

Subscribed and sworn to before me this 5th day of September 1905.

E. Milton Latimer
Notary Public.

My commission expires January 10 1910

TALLEY AND HARRIS
ATTORNEYS AT LAW
DOCKFIELD BLDG.
TULSA, IND. TER.

September 6th 1906.

Hon. W. W. Hastings,

Tahlequah I. T.

Dear Sir:

Enclosed you will find copy of motion for appeal to
the Secretary of the Interior in the case of Rosetta Greenlee.

Please acknowledge the receipt of the same.

Thanking you for your attention to this matter I am,

Very Respectfully,

Talley & Harris,

RECEIVED SEP 11 1906

(copy)

LAND,
83929-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 22, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated September 24, 1906, transmitting a petition of Rosetta Greenlee (formerly Whitmire) to be enrolled as a Cherokee by blood instead of as a Cherokee freedman.

Rosetta Greenlee was a party applicant in the consolidated case of Jan Looney, et al., which is this day forwarded to the Department with the recommendation that the applications for the enrollment of the persons embraced therein be denied.

The Commissioner reports that the records in his office fail to show that any application has ever been made by Rosetta Greenlee for enrollment as a citizen by blood of the Cherokee Nation prior to September 10, 1906, or that any claim was ever made by the applicant prior to that time of any right to enrollment as a citizen by blood of the Cherokee Nation, or that she possessed Indian blood.

Under the provisions of the Act of April 26, 1906 (34 Stat. L., 137), there is no authority in law to receive or consider the application of Rosetta Greenlee for enrollment as a Cherokee by blood,

and it is recommended that the application be dismissed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I.T.D. 1606-1907.

February 5, 1907.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On January 22, 1907 (Land #3929-1906), the Indian Office transmitted your report dated September 24, 1906, forwarding a petition of Rosetta Greenlee, formerly Whitmire, to be enrolled as a Cherokee by blood instead of a Cherokee freedman. It appears that said Rosetta Greenlee is a party applicant in the consolidated case of Jane Looney et al.

You recommend that the petition be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

It appears from your report that the records of your office fail to show that any application has ever been made by Rosetta Greenlee for enrollment as a citizen by blood of the Cherokee Nation prior to September 10, 1906, or that any claim was ever made by her prior to that time of any right to enrollment as a citizen by blood of the Cherokee Nation, or that she possessed Indian blood.

Under the provisions of the act of April 26, (34 Stat., 127), there is no authority in law to receive or consider the application of said Rosetta Greenlee, and said petition is hereby dismissed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 2 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
Freedman D-639.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 2, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the petition
filed by Starr & Patton, Vinita, Indian Territory,
in the Cherokee freedman enrollment case of Rosetta
Whitmire, et al., was denied by the Secretary of
the Interior, February 5, 1907.

For your information there is inclosed
herewith a copy of Departmental decision referred to.

Respectfully

Commissioner.

Encl. C-2
GHC

Cher Fr D 640

Cher Fr D 640

To be filed in the case of Ellen Johnson O.F.D. # 640

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T. June 7, 1901.

In the matter of the application of Jane Looney for enrollment as a Cherokee Freedman.

Appearances:

Bellette & Smith, attorneys for applicant.
J. S. Brownport, of counsel for Cherokee Nation.

Jane Looney, being duly sworn and examined by Commissioner Brown-
bridge, testified as follows:

- Q Give me your name? A. Jane Looney.
Q How old are you? A. I guess I am about 57 or 58.
Q Now what is your post office? A. Centralia.
Q In what district do you live? A. Boingsake.
Q Or Gooessocowee which? A. Gooessocowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Do you want to apply for anyone besides yourself? A. Yes sir, I have 7 children.
Q Are these children all under 21 years of age? A. Yes sir.
Q Are they all unmarried? A. No sir, some of them married, one girl is married, two girls married.
Q Then you have only five of them? A. Well, I have one boy married, he is in the pen, he isn't here.
Q How many of your children are over 21 years of age? A. All of my children are over 21 years of age.
Q Have you got a husband? A. No sir, my husband is dead.
Q Then you apply only for yourself? A. And two grandchildren.
Q Are these grand children orphans? A. Their father is dead, their mother is not.
Q Well, let her apply for them? A. They live with me.
Q Well, let her apply for them? Is that all you have in your family? A. Yes sir.
Q Is your husband dead? A. Yes sir, my husband is dead.
Q How long have you lived in the Cherokee Nation? A. Ever since I have been born.
Q Were you out during the war? A. I went out and staid a while.
Q Give me the name of your father? A. My father was dead before I can recollect him.
Q Give me the name of your mother? A. Rose Wright.
Q Is your mother dead? A. Yes sir.
Q How long has she been dead? A. Been dead ever since slavery.
Q Were you a slave in the Cherokee Nation when the war began? A. Yes sir.
Q To whom did you belong? A. Eli Wright.
Q Was he a well known Cherokee citizen? A. Yes sir.
Q How many times have you been married? A. Once.
Q How long since you married? A. I have been married ever since slavery, married in slave times.
Q What was your husband's name? A. Named Holston Looney.
Q How long has he been dead? A. Been dead going on 3 years.
Q Was he a Cherokee Freedman? A. Yes sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon, page 173, No. 4255, Cooveescoowee district.

Q You went out during the war, did you? A. Yes sir.
Q Where did you go? A. Springfield, Missouri.
Q Did your husband go with you? A. Yes sir.
Q When you came back did your husband come with you? A. Yes sir.
Q You and he went out together and come back together? A. Yes sir.
Q And then lived together all the time after you came back? A. All the time, yes sir.

Q What time did you come back after the war? A. We came back in the winter along just before Christmas.
Q In what year? A. In the year of '66, I think.
Q What time of the year? A. Just about four weeks before Christmas.
Q Well, how comes it you are not on the roll of 1880? A. Because the old man didn't try.

Q Well, did you ever apply, or did your husband ever apply for you and the family, to any court in Tahlequah, or any other court? A. No sir.

Q He wasn't before the District Court or the Chambers Court back in '70 or '71? A. No, he never was.

Q And you think that no effort was made to get on the roll of 1880? A. No sir, I don't think there was.

Q How many children have you got? A. Seven.

Q Give me their names? A. Frances.

Q How old is Frances? A. I don't know how old Frances is, she was born in slave times.

Q Is she married now? A. Yes sir.

Q What is her name now? A. Frances Smith.

Q Now what is your next child? A. Ellen Adams.

Q She is married, is she? A. Yes sir.

Q What is your next child? A. John Looney.

Q How old is John? A. I think he is 20 years old, he may be older than that.

Q Give me the name of your next child? A. Rosetta Looney.

Q How old is that child? A. I think she is 22 or 23 years old, I think.

Q Is she married? A. She has been married, her husband is dead.

Q Does she still go by the name of Looney? Does she go by the name of her husband? A. That is the way we put her down.

Q What is the name of her husband? A. Birch Heason.

Q Well, your next child? A. Lucinda Whitmore.

Q She is married, is she? A. Yes sir.

Q About how old is Lucinda? A. She is about 27 or 28 years old, I don't know which. I don't know nothing about their ages.

Q Which one next to Lucinda? A. George.

Q How old is George? A. George is 20.

Q Now what is the next child? A. That is all, no, Henry.

Q How old is Henry? A. Henry is the oldest.

Q How old is he? A. I can't tell you.

Q Is he older than Frances? A. No sir.

Q Is he older than Ellen? A. Yes sir.

Q (Mr. Tavenport) Where were you living when the war came up? A. Living in going sick.

Q Where did you go when the war broke out, if you ever left the country? A. Springfield, Mo.

Q Well now, how long did you live at Springfield, Mo.? A. We didn't stay there a year.

Q Did you go to Springfield about the time the war broke out? A. No, I guess we went there along during the war.

Q Well, where was your daughter Frances born? A. Born in going sick.

Q What was before you went to Springfield, was it? A. Yes sir.

Q How old was Frances when you left the district? A. I think

I I think she was either five years old or six, I dont know which.
Q Where was Henry born? A He was born I dont know where he was born at, either in Kansas or Springfield, I dont know which, because we were traveling all the time.
Q The fact is, you have never had any permanent place of living since the war? A. No sir.
Q How long did you live in Kansas? A. Never lived in Kansas.
Q How long did you live in Missouri? A. I just traveled around in Missouri, I dont know how long we did stay there.
Q About how many years did you stay there? A. I cant tell you.
Q Did you stay there three or four years? A. I think we staid there two years, I think.
Q Well, where did you go from Missouri? A Came on back down here, camped along, we were traveling by ourselves, nobody with us, went by ourselves and come by ourselves.
Q After you got back down here, then where did you go? A. Went over on the river here to my sister in law's, on the Verdigris; not the Verdigris, the Grand river, and staid there two or three weeks.
Q After you staid over on Grand river, where did you go? A Went on Big creek.
Q How long did you stay on Big creek? A Staid there ever since we have been here.
Q You never lived on Cotton creek? A No sir, the old man has been over there.
Q Haven't you lived in Arkansas a while since the war? A. Not as I know of; if we did I didn't know it was there.
Q Didn't your husband and you go over there and live near Cane Hill, Arkansas after the war with a man named Fisher? A I dont know nothing about him.
Q About five miles from Cane Hill, Arkansas; didn't you live over there a while? A. No sir, not as I know of, we just traveled all the time, we never staid anywhere hardly any time, didn't stop traveling.
Q Never had a home anywhere since the war? A. Not till we came to Big creek.
Q How long have you been living on Big creek? A Ever since '86.
Q Well, now didn't you and your husband go to Leavenworth, Kansas, and live there a little while there with a fellow by the name of Tom Ross? A. No sir, I dont know nothing about him.
Q Did you ever know such a man as Tom Ross? A. No sir.
Q Well, how is it you remember you came back here just four months before a certain Christmas in '88? A Because I had my oldest boy, he was born, he was 3 years old in the year '88.
Q How old is he now? A Well, I dont forget, how old he is but I know he was 3 years old the year the treaty was made, he was two years old, he was born in '86.
Q How old is your oldest boy now, do you know? A. No sir, I cant say, I forgot.
Q You know he was born in '84? A. Yes sir.
Q What time of the year was he born? A. On the 4th day of July, 24th of July.
Q How when did you go to Springfield, Missouri? A. We went there during the war.
Q What time during the war? A I cant tell you nothing about the year and months.
Q You told me about '86, cant you tell me when the war broke out? A. No sir.
Q Did you go to Springfield after the war broke out? A. I dont know, we were run off, we staid back till the Indians run us away.
Q About how long was it after the war began that you went to Springfield? A I cant tell you.

- Q You certainly have some idea, was it a year or two years? A I guess it was two or three.
- Q Well, you staid there about a year? A Yes sir, I guess we did.
- Q How you staid there longer than that? A No sir, we didn't we just traveled.
- Q Did you go direct from the Territory to Springfield, Mo? A Yes sir, we went from the Territory to Springfield, and we were just by ourselves, and nobody wasn't with us.
- Q Now your child, Frances, you say was born in the Cherokee Nation A Yes sir.
- Q Was she born after you come back from Springfield, Missouri? A She was born in slave time I tell you.
- Q She was born before you went to Springfield? A Yes sir, she was born a slave.
- Q She was born on the 4th day of July? A No sir, the boy.
- Q Well, how old was Frances when you went to Springfield? A I think Frances was either 5 years old, I dont know which, or seven.
- Q Was the boy born before you went to Springfield, or after you got back? A No, he was born when we went to Springfield.
- Q Before you went? A Yes sir.
- Q When you left the Territory for Springfield sometime after July 4, 1844? A Yes sir, I think that is it.
- Q How you staid about a year at Springfield? A No we didn't stay any year at Springfield.
- Q Well, how long did you stay? A I think I told you how long we staid; if I knew the numbers and dates I could tell you, but I cant tell you, because I just can't say.
- Q Was it less than a year? A. I dont know, we staid about something near a year.
- Q Did you go direct from Springfield to the Cherokee Nation? A. Well the way we traveled around, it would take us a long time, because one was horseback.
- Q When you started from Springfield, was your objective point the Cherokee Nation? A. Yes sir, come to the Cherokee Nation.
- Q How long were you making the trip? A I dont know, because one was afoot and the other horseback.
- Q Where were the children? A I had one in my lap and one behind me.
- Q How long were you making the trip? A I dont know sir.
- Q Did you come by Fort Scott? A. No sir.
- Q Leavenworth? A. No sir, we didn't we didn't come that way, we come through the woods.
- Q To what point in the Cherokee Nation did you come when you returned? A I cant tell you.
- Q Do you know what district it was in? A. No sir, because I didn't know the names of places or districts.
- Q Did you come by any point in Arkansas before you came to the Territory? A I think we came to a place they called Bentonsville, I reckon that is the way we came.
- Q You didn't go from Springfield to Cane Hill? A Yes sir.
- Q That was the time your husband and family was over there and he was working for Fisher over to Cane Hill? A No sir, we never lived on Cane Hill.
- Q Do you think you were as much as a year coming from Springfield to the Territory? A. I think we were.
- Q You traveled pretty much all the time, didn't you? A. Yes sir, and covered out, we traveled till we got tired, and then camped in the woods.
- Q Did you stop and work along the road? A He would go out and work a little, get enough grub, and then start again.
- Q About how long would you work on one place? A. Sometimes a day and sometimes not a day, just get something to eat.

A Sometimes a day and sometimes not a day, just to get something to eat.

Q You were not more than a month or two making the trip from Springfield to the Territory? A No, sir, I guess not.

(Mr. Mellette) Where did you say you came to when you first came to the Territory? A. Came to my sister Judy, Peter Williams' wife.

Q Lived where? A. She lived on Grand river; that is the first place.

MOSE HARDRIK, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A. Mose Hardrik.

Q How old are you? A 71.

Q What is your past office? A. Overseer.

Q How long have you lived in the Cherokee Nation? A. All my life.

Q Where were you during the war, were you out? A. Yes sir.

Q Are you on the roll of 1880? A. No sir.

(Mr. Mellette) Do you know the applicant, Jane Looney? A. Yes sir.

Q Do you know her husband, Bolson Looney? A. I knowed her husband.

Q Did you know them before the war? A. I knowed her husband before the war.

Q You didn't know Jane before the war? A. No sir.

Q Well, where did he live before the war? A. Lived at Murrell's, down in the Cherokee Nation, George Murrell.

Q Who owned him? A. George Murrell.

Q Was George Murrell a Cherokee Indian? A. No sir, his wife was.

Q He was a white man? A. Yes sir.

Q Well, do you know when this applicant and Bolson Looney returned to the Cherokee Nation after the war? A. I don't know, I know when Bolston came to my house.

Q Well, when did he come to your house? A. In the summer of '68.

Q Where did he come to your house? A. On Grand river, in the Cherokee Nation.

Q You didn't see this applicant then? A. No sir, I didn't see her, Bolston came himself and he was looking for his sister.

Q You don't know where she was? A. No sir.

Q Do you know what became of Bolston after that? A. No sir, I don't.

Q Did you see him any more? A. I seen him two or three or four years after that.

Q Where? A. He was over here at Vinita.

Q Do you know where he lived at that time, when you saw him at Vinita? A. No sir, I don't.

(Mr. Davenport) You are satisfied that when you saw this Bolston Looney over there in the summer it was '88 are you? A. Yes sir.

Q It was earlier than Christmas, or December? A. It was in the summer.

Q It was earlier than four weeks before Christmas? A. It was in the summer.

Q You don't know where they had been living prior to that time that you saw him there? A. No, I don't.

Q And you don't know where they lived since that time? A. No sir.

(Commissioner) Do you know anything about this woman being married to Bolston Looney? A. No sir, no more than what he said he had a wife.

Q But you never saw his wife in these days? A. No sir.

Q How long had you known this woman? A. I never seen her until this week at the Court.

(Mr. Mellette) When did he tell you he had a wife? A. Over at the Court.

CHARLES CHAMBERS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A. Charles Chambers.

Q How old are you? A. 70 years old.
Q What is your post office? A. Rudson.
Q How long have you lived in the Cherokee Nation? A. Been living here all my life.
Q Were you out during the war? A. No sir, I wasn't in the war.
Q Did you go out of the Cherokee Nation while the war was going on? A. I went over to the Cherokee Nation.
Q Are you on the 1880 roll? A. Yes sir.
Q Mr. McCallister, Charlie, do you know the applicant her, Jane Looney? A. Yes sir.
Q Do you know her husband, Solomon Looney? A. Yes sir.
Q Well, now, when did you first see them after the war; do you remember? A. I saw him in '88 in Fort Gibson.
Q Where was that? A. He said he left her on Grand river; he told me; she wasn't with him at all, he was by himself.
Q Well, when did they move up on Big creek, do you know anything about that? A. No, I don't know just when they moved up there, I don't know.
Q Did you get acquainted with them in there? A. I got acquainted with them when they came from Fort Gibson up here, when I went there.
Q Where were they living? A. They were living out on the prairie, on the Big creek.
Q In what district here, in what town? A. They came up from Fort Gibson and found them there.
Q Mr. Davidson, you saw you saw Belston Looney at Fort Gibson in 1888? A. Yes.
Q That time in 1888, you saw that? A. Why it was along a while, just a while before Christmas.
Q Now then if Belston Looney testified in 1886 that he never returned to Fort Gibson or anywhere else, was that true or untrue? A. If he gave such evidence as that in 1886, that he never did return to Fort Gibson, is that true or untrue? A. I seen him there.
Q I asked you, if he testified that, was it true or untrue; in giving his testimony before the Keim-Oliston Commission, as he gave such evidence as that, was it true or untrue? A. I can't answer that question.
Q When did you come back to this country? A. I came back in '88.
Q They told me in '88.
Q Are you on the 1880 roll regularly? A. Yes sir.
Q Did you have any conversation with Solomon Looney at Fort Gibson in '88? A. No sir, not but a very little bit.
Q You did go over with him? A. He didn't have anybody with him, I went over there alone and seen him there, and I went to him and shook hands with him because I was acquainted with him.
Q Now how did they live when the war broke out? A. Didn't have but one house.
Q Do you know of your own knowledge where they went during the war? A. I know they went north.
Q Did you remain in the same locality where they had lived, or returned to that locality when you came back after the war? A. I stopped at first right this side of Fort Smith, on this side the river in the Cherokee Nation.
Q Well, did you go back in that neighborhood? A. Yes sir, I came back in the neighborhood where I used to live, lived on the same place I lived from when they first taken me away.
Q Now lived in that neighborhood when you returned up there there after the war? A. Yes sir, I was living there on that same place then, I came back to them.
Q And were there any children, Maxwell children and his wife; of course the old man was dead, but his wife was living on the same place.

Q Where had the right family come? A. They went south too.
 Q Do you know to whom Holston Looney belonged at the breaking out of the war? A. Yes sir, belonged to George Murrell.
 Q Where was George Murrell living? A. Well, George Murrell was living there in what they call Park Hill.
 Q How far was Park Hill from where you lived at the Chambers place? A. Well, it was all pretty near the same place, it was all called Park Hill where they all lived, we didn't live just two or three miles apart.
 Q George Murrell was a man who had a farm in Virginia and lived in Virginia the greater part of his time? A. I suppose he had a place there.
 Q He lived there the greater part of his time? A. Pretty much.
 Q Also kept a part of his slaves in Louisiana? A. I guess he did, I understand he did, anyway.
 Q Did George Murrell ever have a permanent home at Park Hill, where he himself and family resided; George Murrell ever live permanently with his family at Park Hill, in the Cherokee Nation? A. Yes sir, he was there, called that home.
 Q He would go back and forward? A. Yes sir, he would be there, because I knowed him.
 Q His wife was a sister of Mrs. W. P. Ross, who now lives at Fort Gibson? A. Seems to me she was the daughter of Lewis Ross.
 Q Wasn't she a sister of Mrs. W. P. Ross? A. Yes sir, that is right.
 Q Then Holston Looney didn't belong to Jane Looney at the breaking out of the war? A. No sir.
 Q And you don't know who this man belonged to at the breaking out of the war? A. Yes sir.
 Q Who did she belong to? A. Eli Wright.
 Q How do you know that? A. I seen her there.
 Q How far did Eli Wright live from Park Hill? A. He lived a good ways, but I was all over the country in them times.
 Q About how far? A. I can't tell you just exactly it was.
 Q Was it a hundred miles? A. No, I guess now since I come to be grown I expect it was somewhere between thirty and forty miles over there.
 Q You lived in there at Park Hill, you say? A. Yes sir.
 Q And the other parties lived over thirty or forty miles from you? A. Yes sir.
 Q There was no way of getting back and forth except by horse? A. No sir, except on horseback.
 Q And there was no settlement between the Park Hill settlement and the settlement of going Snake where they lived? A. I expect there was, I just went going through there, I was going to Cincinnati.
 Q When were you at Eli Wright's place, when you claim to be the owner of this woman before the war? A. I didn't stay very long.
 Q How long did you stay? A. I was there one time.
 Q When did you next see this woman after the war broke out? A. Why I never seed her any more until I came from Tahlequah up here on Big creek.
 Q When was that? A. That was along in 187.
 Q They haven't had a permanent place of living, have they, since the war her husband? A. Yes sir, they had a log house put up.
 Q Didn't they just live from place to place and town to town? A. Well, he did for a while, and that time he told me his wife was over on Grand river.
 Q What makes you know it was just before Christmas, in 186 you saw him down there? A. Because I know him, because I asked him to come take Christmas with me.
 Q How long before Christmas was it, and what year after the war broke out? A. I don't know what year she war broke out.
 Q How long before Christmas and in what year after peace was declared? A. I can't hardly tell you that.

Q What year, and how long before Christmas was it the treaty was made? A I know one thing, I know the people near where I was living told me that peace had been declared and the folks was all coming home and I picked up and hit out too.

Q Well, how long before Christmas was the treaty made, and what year? A. And I know right after that, in the near year after I came up there, that was when I seen him.

Q Who was living in Fort Gibson at the time you saw him? A. I can't tell you, there was a plenty of soldiers there.

Q Wasn't there some Cherokee families there, or colored families? A There was one or two colored families there, I can't tell you, it has been so long ago.

Q Lewis Daniels was living there? A Lewis Daniels was living around there somewhere.

Q And F. H. Nash was living there, wasn't he? A. I don't know.

Q W. P. Ross? A Yes sir, I believe he was, I believe he was living around there some place, but I don't know whether he was living in town or not.

Q You don't remember anyone living there except you saw Holston Looney there, is that it? A. There is a man now lives right close to where there is a little bridge going down towards the river, that they call Vann.

(Commissioner) You say you knew this woman before the war? A. Yes sir.

Q Was she married to Holston Looney then? A. I think she was, she had one child, I think she was married to him; I don't know for certain whether she was or not.

Q Where did you first know her? A Certainly as Holston Looney's wife? A I never knew her really as his wife, not till he came back here with her.

Q When did you first see her with him after the war? A That was in '37, and I am just going to tell you just exactly.

Q You saw him and her together at that time? A Yes sir, they were living together.

Q As husband and wife? A Yes sir.

Q Have you seen more or less of her ever since? A. Yes, I seen her off and on all the while since.

Q And of him also? A. Yes sir, they were living together.

Q He died about three years ago? A. Yes sir.

Q Have you seen them ever since as husband and wife? A. Yes sir, they been living ever since as husband and wife.

Q Now this George Murrell that you spoke of, who was his wife? A I think it was a daughter of Lewis Ross if I mistake not.

Q She was a Cherokee woman was she? A. Yes sir.

Q That the family of old Chief Ross? A Yes sir, if I am not mistaken he was her brother.

Q You think then George Murrell's wife was a niece of the old Chief? A Yes sir, I think she is as well as I can recollect.

(Mr. Mellette) Didn't George Murrell build a fine house at Park Hill? A. Yes sir.

Q Was it brick or frame? A. I don't just recollect what the house was built of, it was a fine house.

Q It was the house R. B. Ross lived in now? A. Yes sir, I think it is.

(Mr. Davenport) Do you know where Bob Ross lives now? A Yes sir, living at Tahlequah, the man I am thinking about now.

Q What made you mention Mr. Mellette, that you thought the house George Murrell built was the house Bob Ross was living in now? A Maybe I didn't understand him good.

(Mr. Mellette) I asked you if George Murrell didn't build a fine house at Park Hill? A Yes sir.

Q You know about that? A. Yes sir.

Q Then I asked you if Bob Ross is living in that house now? A I know.

know where Mr. Ross is living now, I misunderstood you sir, I beg
your pardon.

COMMISSIONER: The applicant is identified on the Kern Gilbert Roll,
but not upon the roll of 1880 or upon that of 1885. It appears
that she and her deceased husband were slaves in the Cherokee
Nation at the beginning of the Civil War, and were the property
of Cherokee officials. They seem to have lived together at the
time of the war, and to have gone into the State of Missouri
claims to have returned to the Cherokee Nation about four weeks
before Christmas, in 1885. The testimony on this point is somewhat
conflicting. With a view to the application of her children,
they have been identified in the course of the examination as her
children, and it is probable that their claim will depend upon the
claim that may be established for their mother or father. It seems
that the marriage between the applicant and her husband was law-
ful, they have been married, according to her testimony, since
before the Civil War, and have lived together until his death,
some three years ago. She will not be listed for enrollment as
a Cherokee freedman or a freedman's child, but the further consid-
eration of the testimony, and the final decision of the Commission
will be made known to her at her post office address.

The Kern Gilbert Roll examined and the husband of Jane Boone,
identified therein, page 175 in 1880, 1885, 1886, 1887, 1888, 1889, 1890,
as Boone Leoney.

Bruce C. Jones, being duly sworn, says that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is
a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones

Sworn to and subscribed before me this 12th of June, 1901.

(signed) T. J. Needles,
Commissioner.

I, Chas. von Weiz, upon my oath state that the above is a true
copy of the original.

Chas. von Weiz

Subscribed and sworn to before me this 28th of August, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T. June 18th 1901.

Q In the matter of the application of Ellen Johnson for the enrollment of herself as a Cherokee freedman; she being sworn by Commissioner G. A. Brockinridge, testified as follows:

Q What is your name? A. Ellen Johnson Adams.
Q How old are you? A. 33.
Q What is your post office? A. Centralia.
Q In what district do you live? A. Goooooowoooo.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. No one.
Q Just yourself? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Give me the name of your father? A. Beeson Leoney.
Q He has been dead about two years has he? A. Yes sir.
Q Give me your mother's name? A. Jane Leoney.
Q Is she is alive is she? A. Yes sir.
Q How many times have you been married? A. Twice.
Q Give me the name of your first husband? A. Manuel Adams.
Q Is he dead? A. No sir.
Q Is he a Cherokee freedman? A. No sir.
Q When did you marry him? A. In 1888.
Q You and he have parted have you? A. No sir, we were parted but went back together again.
Q What is the name of your second husband? A. John Johnson.
Q After you married Adams first then you parted from him and afterwards married John Adams? A. I don't go by his name
~~John Adams~~
Q How can it happen that you married John Johnson if you was not parted from Adams? A. I was made to marry him.
Q When did you marry John Johnson? A. In 1900.
Q Are you and he living together now? A. Yes sir but I don't go by his name.
Q And you say you were never parted from Adams? A. Yes sir.
Q And that you are now living with John Johnson as his wife? A. Yes sir
Q And though you are now living with a man named John Johnson as his wife, you don't want to go by his name? A. No sir I don't.
Q When did you and Adams quit living together? A. It has been about two years.
Q How long after that did you begin to live with Johnson? A. A year after.
Q Did a preacher marry you to John Johnson? A. Yes sir.
Q I can't see how you can go by any other name than Johnson if you are living with him as his wife at this time? A. I don't want to mix up my name.
Q You are a Johnson now are you not? A. I guess so, I is married to him and living with him.
Q Well we will have to enroll you under his name then. A (No response)
Q Have you any children? A. No sir.
Q Is this man Johnson a state man or a Cherokee freedman? A. A state man I think.
Q Did you ever get a divorce from your husband Adams? A. No sir we was married by this Indian law down here.
Q Is there some one here that knows that you have lived with these men? A. Yes sir my mother.

JANE LEONEY CALLED AND SWORN AS A WITNESS, TESTIFIED AS FOLLOWS FOR THE APPLICANT:

Q What is your name? A. Jane Leoney.
Q And you the Jane Leoney who has been listed for enrollment already? A. Yes sir.

Ellen Johnson B.

- Q Is this woman here your daughter? A. Yes sir.
Q What is her given name? A. Ellen.
Q How many times has she been married? A. Twice.
Q Give me the name of her first husband? A. Samuel Adams.
Q Give me the name of her present husband? A. John Johnson.
Q She goes by the name of Johnson now does she? A. Yes sir.
Q She was your daughter by your husband Samuel Johnson? A. Yes sir.
Q How long has this daughter lived in the Cherokee Nation? A. Ever since she was born.
Q All her life? A. Yes sir.

Exhibit Commission of the applicant-

- Q Did you draw strip money? A. Yes sir.
Q Under what name? A. Adams.

The Barn Clifton roll examined and the applicant identified thereon as follows:

Page 175 No. 4222 Ellen Allen, Seewasseeowee district.

Applicant not found on the 1880 or 1890 rolls

JANE LOONEY recalled and examined by the Commission:

- Q Was your daughter ever called Ellen Allen? A. Adams is her name but they put it down as Allen.

Applicant recalled and examined by Cherokee representative Harpport:

- Q Where have you lived outside of the Cherokee Nation since you have been grown? A. JEFFERVILLE, MOBILE.
Q How long? A. Six months.
Q Where else since then? A. No sir.
Q Where were you living when you and your husband Adams separated? A. Here in the Nation.

By Sam's Breckinridge-

The applicant is shown to be the child of HOSAN and Jane Looney deceased, and Jane Looney now living. The applicant states that she has lived in the Cherokee Nation all her life except about six months in Jeffersville Kansas and it appears that she was never a native of the Cherokee Nation; she is 33 years of age; she is identified on the roll as Ellen Allen; it appears from the testimony that the name of Allen used in the enrollment by mistake for the name Adams, which was the applicant's real name at that time; in any event, the evidence clearly establishes that she is the daughter of the father and mother stated and has made her home in the Nation as stated. She is not found on the rolls of 1880 and 1890 or the Wallace rolls. Her mother who is now enrolled as Cherokee Freedman J. Card 1897. The applicant's change of name by marriage is accounted for in a satisfactory manner; she will now be listed for enrollment as a Cherokee Freedman on a Cherokee card, and a copy of the testimony taken in the case of

Eliza Johnson

her mother as above stated will be filed in her case and the final decision of the Commission in regard to this application will be made known to her at her post office address.

BY THE COMMISSIONER OF LAND OFFICES

I declare that this daughter, the applicant, named A. More in the Cherokee Nation.

Chas. von Seitz, being sworn, deposes that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 21st of June, 1901, at Nowata, I. T.

Chas. von Seitz

[Signature]

Commissioner

F. D. 640

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this.....
day of A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190....

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with the
DAWPS COURT

FEB 12 1902

NOTICE!

IN THE MATTER OF the application of Ellen Johnson,
for enrollment as Cherokee Freedmen:

Case No. F. D. _____

To Ellen Johnson Centralia I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T., Indian Territory, on FEB 17 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this FEB 4 1902

L B Bell

*James D. Hastings
J. Davenport*

Attorneys for the Cherokee Nation.

File with C. F. D- 440, Ellen Johnson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Luskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY OF FRANK FEEHAN OF CHEROKEE NATION in the
matter of the application of Jane Looney for enrollment as a Cherokee Freedman, D-397.

Appearances:

J. F. Smith, of Gillette & Smith, Vinita, I. T., Attorneys
for applicant;
W. V. Hastings, attorney for the Cherokee Nation.

FRANK FEEHAN, being first duly sworn and being examined
testified as follows:

BY W. V. HASTINGS:

- Q What is your name? A Frank Feehan.
Q How old are you? A 66 years old.
Q Where do you live? A Atchison County, Kansas.
Q How long have you lived in that County? A Since January '58.
Q Did you know a colored woman up there in Atchison County Kansas
by the name of Jane Looney? A I did.
Q Did you know her husband? A I did.
Q What name did her husband go by? A Andy Looney.
Q Did you know any of Jane's children? A Yes, I know Frances.
Q What is her present name? A Smith.
Q What was her husband's first name? A I did not know that.
Q Did you know any of the rest of her children? A Why, I have seen
several of them, I have no particular knowledge; they have worked
around for my daughter and myself some but I have no particular knowl-
edge of the other two of them.
Q What are the others named do you know? A Really I don't know
how many children she has got.
Q I mean of Jane Looney? A Oh I thought you were speaking about
Frances. Jane Looney yes, I know Frances is her oldest daughter,
and the oldest boy was born on the place where I live now, Jerry,
he was born in '64.
Q You mean in '64? A Yes sir.
Q Well what is the next one? A There was a John, there was sev-
eral children after they left our neighborhood, I don't know how
many they had after they moved to Atchison, there was a Ellen,
there was a George, and there was a John, them three I heard of,
not personally knewed them either.
Q Her husband there was known as Andy Looney? A Yes sir.
Q When did you first learn to know this man and woman in Kansas?
A It was either in '63 in the fall or in the spring of '64, I won't
be positive, but it was either one of those times.
Q There did they live in '64? A On the place I own now.
Q For how long did they continue to live there? A Until spring of
'67.
Q Continuously all the time? A Continuously all the time, farmed
the place.
Q Where did they go in the spring of '67? A They moved to a place
right adjoining it on the east where old man Tilman built a little
cabin there, they lived there two years.
Q That would be the spring of '69? A Yes sir.
Q Then where did they go? A Then in the spring of '69 they moved
on the place right north of me.
Q How far from you? A The house not being more than about 40
rods from where I live now.
Q How long did they live there? A Two years.
Q That would bring it up to '71? A Yes sir.

- Q Then where did they go? A They moved to Atchison.
- Q How far is that? A 5 or 6 miles, we call it 5 or 6 miles.
- Q Did you see them after that? A I saw them 15 years after that, positively and I might say 20, but 15 years anyhow; I saw Andy Looney in '92 the last time and had a long talk with him; he was fencing ground for my daughter.
- Q Did you see him frequently after he went to town? A Yes sir.
- Q You know when he left up there? A No.
- Q You say '92 as the last time you positively remember seeing him? A Yes sir, I had no ~~business~~ dealings with him; that is the last time I talked with him and I didn't know he had gone until here a few years ago.
- Q How about Frances Smith? A She lived there in Atchison.
- Q Does she live there now? A She lived there now, her husband is working there and the family is there.
- Q When is the last time you saw her? A Well I have not seen Frances for several years, because I have no dealings or no need of seeing her, but I have seen her children, I saw one of her children that worked for me this winter up until January.
- Q Up until this last January? A Yes, this last January last month, and he worked for my daughter the last month.
- Q That is that child's name? A Fred Smith.
- Q Do you know John Looney or Henry Looney of these boys? A I know Henry, because he was born on my place and I have seen him since, he is now in the penitentiary.
- Q That is he in the penitentiary for? A Killing his wife.
- Q Did you know any of the rest of these boys living up there now? A There is one by the name of John, but as I have no business with him I see him and that is about all, I have no personal knowledge of him much.
- Q How you said they left there and went to Atchison about '71? A Yes, to the City of Atchison.
- Q You say you had occasion to meet them frequently? A Yes sir, often.
- Q Did they ever do any work for you after '71 until '92? A Not for me, but my son-in-law, he would do little things in the garden and take care of the house and I would see him, - saw wood, any little thing like that.
- Q You know where they were living? A Oh yes.
- Q You saw their house? A Oh yes sir, many a time.
- Q How far were they living from your son-in-law? A Not more than a quarter of a mile, my son-in-law lived in the south Atchison and they lived in South Atchison, about a quarter of a mile.
- Q Well then from about '63 or '4 up until '71 they lived out there either on your farm or the adjoining farm? A Right close adjoining and many a day he has worked for me.
- Q What is your business? A Farmer.
- Q Are you a farmer yet? A Yes sir.
- Q You live on the same place? A Yes sir.
- BY MR. SMITH:
- Q Mr. Neerman, how long have you lived in Kansas? A Since the winter, since January '88.
- Q The people you talk about are people you first became acquainted with in '63 or '4? A Yes sir.
- Q Which was it? A The Looney family? they consisted of Andy Looney his wife Jane, and the daughter Frances, about 6 or 7 years old, and the child Henry was born on the place where I lived ~~there~~ now, they had a cabin, and he was born there.
- Q Do you know which year it was, whether it was '63 or '64? A I am not positive, but it was not later than that.
- Q Now you say the husband of this woman was called Andy? A Andy Looney he went by, yes sir.
- Q How long has it been since you saw the Jane Looney to whom you refer? A Oh it has been a good many years, I couldn't tell you when.

Of course she didn't get out like her husband Andy and the sons so I could see her and I had no business with them and I didn't hunt her up.

Q You know whether Andy Looney is living or not? A I understand he is dead.

Q When did you last see him? A Last time I saw him was in the summer of '92 that I saw him personally and talked with him in Atchison, Kansas.

Q He was living there then? A Yes sir.

Q You don't know whether the people that applied here for admission are the same people you know at all? A I don't know anything about that at all.

H. C. KING, being first duly sworn and being examined testified as follows:

BY R. HASTINGS:

Q Give the stenographer your name, please? A H. C. King.

Q How old are you, Mr. King? A 41 years old.

Q Where were you born? A Atchison County, Kansas.

Q You lived in that vicinity all of your life? A No sir, not all the time.

Q Where do you live now? A I live in Atchison County.

Q Where were you living when you were 7 or 8 years of age? A In Atchison County.

Q Did you ever know a colored family up there by the name of Looney? A I know her.

Q You know what the woman's name was? A I don't remember every one, what her name was.

Q Don't remember? A No, not her name particularly.

Q Did you remember his name, Andy? A He was known as Andy Looney.

Q Did you know any of his children? A I remember one named Henry Looney.

Q What became of him? A I learned that he was in the penitentiary from what I heard.

BY R. SMITH: I object to that.

Q You don't know only what you have heard? A Just what I have heard there in town, it has been several years since I heard it.

Q Did you know any of the rest of the family? A I know two now, there's two now that I remember that I know, John Looney and Frances Smith.

Q Where does John Looney live now? A In Atchison.

Q When did you last see him? A Last Saturday about one o'clock.

Q You know whether he is single or married? A He is married, I understand.

Q You know whether Frances is single or married? A She is married.

Q You know where she lives? A Yes sir.

Q Where? A She lives 716 W. Street, Atchison.

Q You know what her husband's name is? A I know of him as Doctor Smith.

Q They live there in Atchison? A Yes sir, that is my understanding. I am not acquainted with the man.

Q Were you at her house? A Yes sir.

Q Therefore you are correct as to her place of residence? A Yes sir.

Q How was this Looney family that you knew, this man and woman, the father and mother of these children John and Henry and Frances?

A That has always been my understanding, that they were the children of the family.

Q You know that like you know anything else in the neighborhood?

A Like I know anything, yes sir.

Q When did Andy Looney and his wife leave that country? A I couldn't say for certain about that, I heard of them leaving about

Q '86, I had been away from Atchison and came back in 1896, I had been away about 12 or 13 years.

Q How did you leave Atchison County? A I had left Atchison County in '83 I think it was '83 or '84.

Q You know whether these Looney's that you speak of were living in '83? A They had been living in Atchison last I knew of them before that, I didn't know just where they was in '83.

Q How long had you known them to be living around in Atchison? A I would judge about 15 years anyhow, something like that.

Q Continuously? A As near as I could learn, occasionally I would see them.

Q You left there about '83 or '84 and came back in 1896 and they were gone? A Yes, that is I learned they were gone, I lost track of them anyway, I wasn't particularly acquainted with the younger ones; I remembered Henry as a boy, he wasn't much younger than I was.

Q You don't remember as far back as '66, you are too young? A Well I couldn't say as to the date when I got acquainted with them, but I know when I moved out of the neighborhood in which they lived, the old neighborhood, that was in the fall of '70, I lived about two miles for several years, probably from '65 to '70, within about two miles of Mr. Neerman, and they lived right in the Neerman neighborhood, either on his place or the Tilman place; I know about where they lived.

Q That is as far back as your recollection extends? A Yes sir.

Q They afterwards moved to Atchison? A Yes, I have seen them around Atchison and I understood that they lived there.

BY MR. SMITH:

Q How long did you state you were? A 41 years old.

Q You don't remember the name of Andy Looney's wife? A No sir.

Q How many children do you remember? A I don't remember but one particularly, when they were small children.

Q You can only give the name of one child? A That I remembered at that time, when I was a boy.

Q How when you first knew these people that you speak of you were how old did you say, seven years old? A I was from 6 to 10 somewhere in there, I knew them before I was 10 years old I remember, I lived in the neighborhood with them.

Q Where did you last see any of them? A I saw one that I got acquainted with, John Looney in late years I saw him in Atchison last Saturday.

Q How long have you been living in Atchison County? A 6 years this last time, or about 6 within a month or two of it.

Q You were away awhile? A I was away from Atchison County some 12 or 13 years.

Q Where were you then? A I was in Jefferson County about 10 years and in Oklahoma about 2 years or such a matter.

Q You knew Andy Looney's wife did you? A I knowed her when I was a little shaver.

Q How long has it been since you saw her? A I don't know that I have seen her since in the neighborhood of '70 possibly, along there somewhere, I shouldn't say positively.

Q You were there weren't you up until '84? A Not in that immediate neighborhood; they moved out of that neighborhood to town.

Q How far was it to town? A Well it is 6 or 10 miles.

Q And you have never seen her from that time to this? A Not that I know of.

Q You don't know whether it is the same Jane Looney or whether that is the woman that is an applicant in this case or not? A I could not say about that.

Q Was that a thickly settled community in there where they lived in that country? A Pretty thickly settled, yes.

Q Good many people live in Atchison? A Yes sir, along about 18000.

This section will be filed as a part of the record in the following Cherokee, Fre. and beautiful cases: 436, 437, 438, 440, 441 and the case at 442, 443 (also filed in 44103).

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographed notes thereof.

Subscribed and sworn to before me this February 24, 1904.



Commissioner.

Cher Fr D 641

Cher Fr D 641

Department of the Interior
Commission to the Five Civilized Tribes,
Oklahoma, I.T., June 10, 1901.

In the matter of the application of Dennis Vann for the enrollment of himself and two children as Cherokee Freedmen; being sworn and examined by Commissioner Hendrick, he testified as follows:

- Q What is your name? A Dennis Vann.
Q How old are you? A 80 years old.
Q What is your birthplace? A Gateona.
Q What district do you live in? A Coconino.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Is your name on the authenticated roll of 1890? A No sir, I don't think it is.
Q Is your name on any of the rolls of the Cherokee Nation?
A I think it is on the Wallace roll, - I drew up money.
Q Did you draw that is known as the Cherokee Strip money? A No sir.
Q Your name is not on the Kern-Clifton roll? A No sir.
Q What do you want to enroll besides yourself? A Two children.
Q What are their names? A Carrie Vann.
Q How old is Carrie? A 17 years old.
Q Next one? A Maudie.
Q How old is Maudie? A 14.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Annie.
Q You don't apply for her? A No sir, she is a state woman.

Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant not identified thereon.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified as follows:

Page 184 #3423 Dennis Vann, (No district)

- Q Did you draw Strip money for these two children of yours? A No sir, I never drew for myself or my two children.
Q Did you draw Wallace money for these two children? A No sir, I just drew for myself.

1890 authenticated roll of citizens of the Cherokee nation examined and applicant not identified thereon.

- Q Were you a slave? A Yes sir.
Q To whom did you belong? A I belonged to Katie Vann.
Q Was she a Cherokee citizen? A Yes sir.
Q An Indian? A Yes sir.
Q Did you go out of the Cherokee nation during the war? A Yes sir, I was taken out to Kansas.
Q When did you return? A In '68.
Q Have you been living in the Cherokee nation since 1868? A Oh I have been out since.
Q Out where? A Out in Kansas and Missouri.
Q Been living out in Kansas and Missouri? A Yes sir.
Q When did you come to the Cherokee Nation the last time to stay permanently? A Been here ever since. Mr. Wallace paid off.
Q What is the reason your name is not on the authenticated roll of 1890? A I don't know.
Q Did you ever apply to have it put on? A I have been to every roll that was put on since '76.
Q You don't know why it is that your name is not on the 1890 roll?
A No sir, I went to the Cherokee Council.
Q What did they do? A After they drew they notified Mr. Hendrick to pay me, I will draw you the paper, they notified Mr. Hendrick to pay me, and I got for myself but not for my children. (Freedmen paper)

Dennis Vann et al

Q Now that was in 1898, this was dated.

Applicant: That was two years after they got paid.

Q What payment did that have reference to? A That was the Wallace Payment.

Q Why didn't you get the payment on the Kern-Clifton roll? A I don't know, I went before them here at Claremore, I thought it was on there, and when they went to look for it it wasn't on there.

Q They wouldn't pay you? A No sir.

Examined by the Court: Rep'd by H.W. Hastings.

Q You never introduced a witness five years ago did you, before the Kern-Clifton? A They said they didn't need it.

Q You were rejected by the Court, right? A They didn't reject it as I know of, they never said anything about it if they rejected it, they never said anything to me about it.

Q J. Milton Turner was your attorney? A Yes sir.

Q And you never introduced any witness? A Yes sir, I introduced Uncle Willie Markham and I think Uncle George Mangrove.

Q Out there at Claremore? A I think so, yes sir.

Q At the same time you was in? A Yes sir. Another: he put them down I don't know, I introduced them.

Q Where did you live before the war? A About a mile from Saline Court House.

Q You belonged to Katie Vann? A Yes sir, used to belong to her father, and fell to her after he died.

Q Did you know Gull Rowe and Pole? A Yes sir, I was raised up with them.

Q Who did you go out with? A Went out with Uncle Gilbert Vann, my uncle.

Q Where did you go? A We went to Franklin County, Kansas.

Q Who did you come back with? A Uncle Gilbert and Brother George and Lewis Martin.

Q Why didn't you get your brother George to testify for you five years ago? A He wasn't there then.

Q He was around at different places with the Commission wasn't he? A Yes sir, but I went in at Claremore and he wasn't there.

Q He was at a number of other places where the Commission was staying? A Yes sir, but I didn't know but what it wasn't.

Q You never introduced George? A No, because I thought it wasn't. Turner said it was all right, I didn't know.

Q You and your brother George came back in '85? A Yes sir, and Uncle Gilbert and Lewis Martin and Joe Bean and Art Bean, all came back together.

Q All came in '85? A Yes sir.

Q That was the time you come and they had that Horse Creek fight? A Yes sir.

Q That was in '85? A That's what they say, it was the year the war closed, he made a crop that summer and then went up after the others.

Q He made a crop? A Uncle Gilbert made a crop down on Spring Creek and went up all winter in the fall.

Q Did you come in a wagon? A Yes sir.

Q You were about 14, 15 or 16 years old then? A I was about ten years old when we came up, and I was about 15 or 16 I guess.


Q You came along with George did you? A Yes sir, I came along with him.

Q Any people killed up there at Horse Creek? A Yes sir.

Q How many? A Was Vann and Jesse Vann and Phil Vann got killed there.

Q That all? A Tube Bean I believe got shot in the arm.

Q You went back to Kansas then? A No sir.



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Q When you came down here in '65 were you with your father and mother? A With my brothers.
Q Where were your father and mother? A My mother was dead, and my father didn't come right with us, he was little after we were did; he is living now, I guess he is about 104 years old.
Q I understand you were married twice in Kansas? A Yes sir.
Q How did you happen to go up there back to Kansas to get married? A Just happened to be back and was girls that I liked.
Q There were good looking girls down here in the Territory? A Well, I know, but a fellow just---
Q Every Jack has his Jill? A Yes sir.
Q Are you married now? A Yes sir.
Q What is your wife's name? A Annie.
Q Is she a state woman? A Yes sir.
Q Your wives were all state women? A Yes sir.
Q Where did your last wife live when you married her? A She lived in Catons, she has been here in the Nation for a long time.
Q Have you known her since she got any children by her? A No sir.
Q These two children that you apply for are by your first wife, A Yes sir.
Q Did you have any children by your second wife? A No sir.
Q After you married your first wife you lived in Kansas with her awhile? A I stayed there about a year.
Q And then came back to the Nation? A Yes sir.
Q After you married your second wife did you live there awhile? A Brought her right back here.
Q Went up there for her and brought her right on here? A Yes sir.
Q You knew her before you went up there after her? A Yes sir, she had been here before.

THOMAS MAYFIELD, being sworn and examined by Gen'l Needles, testified as follows:

Q What is your name? A Thomas Mayfield.
Q What is your age? A About 86 or 7.
Q What is your post-office? A Spavins.
Q Are you a recognized citizen of the Cherokee Nation? A I am not; I ought to have been.
Q You claim citizenship do you? A Yes sir.
Q Do you know Dennis Vann, the applicant? A Yes sir.
Q How long have you known him? A I have known him a long time, I knowed him along in '66.
Q Was he a slave before the war? A I don't know who he belonged to.
Q You don't know nor don't know who he belonged to? A No sir.
Q Where did you first get acquainted with him? A I will tell you what I know about it, when I came down here myself they sent him from Fort Gibson up to my home after my family, after me and my wife to go down and see her sister, being there at the point of death, and they were here then.
Q How is it, they sent him after you you say? A Yes sir.
Q When did you come here? A I came here in '66.
Q And he came after you to go and see your sick family in '66 was it? A Yes sir.
Q How long after you came? A Along in the winter.
Q Do you know when he came himself from Kansas? A No sir, he came there with old man Gilbert, I don't know exactly what time it was.
Q You saw him here in '66? A Yes sir.
Q Have you known him ever since that? A Yes sir.
Q Has he always lived in the Cherokee Nation? A Yes sir.
Q Have you ever known of him living in the state of Kansas? A No sir.
Q Have you ever known of him being in the state of Kansas? A I don't know that.
By the Court: Read the last of the testimony.

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- Q You have known him since 1860? A Yes sir, when I see him.
- Q How often have you saw him? A Oh well I couldn't tell that, I was on Grand river and he was up at Port Gibson.
- Q Has he lived at Port Gibson all the time ever since? A When he wasn't there he was up at his uncle's saw where on Spring Creek.
- Q He had lived at Port Gibson or Spring Creek ever since? A Yes sir, to my knowing, I don't know.
- Q When was the last time you saw him at Port Gibson? A I don't know that, I don't go down there very often.
- Q Well about when? A Well I saw him, at I don't date to say, he had been there since '66, I guess he was on Spring Creek and backwards and forwards to Port Gibson, I think he lived mostly at Ft. Gibson.
- Q Did you see him at Ft. Gibson since '66? A I couldn't say I saw him there, because I hardly remember that time, ever go down there.
- Q Have you seen him on Spring Creek since '66? A Yes sir.
- Q When? A I couldn't say.
- Q How long after '66? A It may have been two or three years, I don't know.
- Q Have you seen him since that time on Spring Creek since that two or three years? A Yes sir.
- Q When? A I can't date the time, I am not sure ated.
- Q You are a preacher ain't you? A Yes sir.
- Q I want you to tell how often and when you saw him there on Spring Creek since that time? A I don't believe I can tell, it, because it has been so long ago I can't recollect.
- Q When was the last time you saw him on Spring Creek? A That I don't know.
- Q Have you seen him there in the past thirty years? A Yes sir.
- Q When? A Some time inside of that time I have, but I can't tell you exactly when.
- Q About when, your best judgment? A I might go to work and tell you I saw him five years ago and it might not be so.
- Q I don't want you to tell me anything that is not so? A I don't want to tell anything that's not true.
- Q Your best judgment tells you you saw him when? A I saw him on Spring Creek, but I can't tell when.
- Q Was he living there? A Yes sir, with his people.
- Q Who were his people? A Gilbert Vann.
- Q He wasn't married then? A I don't know.
- Q Have you ever seen him since that? A I say he was married.
- Q Had you heard he was married? A I didn't know that.
- Q You know what his wife's name was? A I don't know that.
- Q You don't know how many times he has been married? A No sir.
- Q You are enrolled on a doubtful roll your self? A I am enrolled on it I reckon, I ought not to be on it.
- Q You went down before the Council to get enrolled yourself?
- A Yes sir.
- Q And they didn't enroll you? A No sir.
- Q Who did you come back here with? A I come down here with several of the m, I don't know the all.
- Q Name some of them? A Nathan Turner, Duffin we call him, and old man Adams, several others that are dead.
- Q Did you come back in the spring or in the fall? A In the fall.

By Don's Needles

- Q You came back in the fall? A Yes sir.
- Q What time in the year was it you saw Dennis? A That was along in the winter, he come up there where I lived now in the winter to get us to go down and see my wife's sister.

Dennis Vann et al ?

Examined by Hastings:

Q Where did you first see this Dennis after the war? A I saw him at Mine Archers, he worked there for Miss Archer.
Q The old lady Archer is living? A Yes sir, and then I saw him around in the neighborhood there.
Q Did he work for Mrs. Archer in '66? A No, well he might have worked there in the winter. He made a little crop there in '67.
Q I want to know where you first saw him after the war? A I saw him and Selma District.
Q Where place? A I don't know whether it was at the church or where; I know I saw him at Mrs. Archers, but I don't know whether it was the first time I saw him after he came back or not.
Q That's the first time you can recall definitely? A No, I saw him at the church, that was where we would see him another more.
Q Where was the church? A On Spring Creek.
Q How far from George Ross' place? A About ten miles south-west.
Q You know where he was living then? A Must have been staying with his brother George, come with him.
Q Come with him in '66? A Yes sir.
Q Where were you living then? A On the place we bought on Spring Creek.
Q What is your husband's name? A Sam Vann.
Q First time you can positively recollect where this fellow lived you saw him living at Mrs. Archers? A No that wasn't the first time I saw him.
Q Who preached down there? A Fred Martin and Uncle Billy Loody and Uncle Billy Vann.
Q Where was that church house located? A It wasn't no church house, just a brush arbor, and around at people's houses.
Q Where was this brush arbor that you saw? A Down on Spring Creek on Jesse Vann's place.
Q That was in the winter? A No sir.
Q What time was it? A In the fall.
Q In the fall of '66? A Yes sir.
Q You don't remember who preached at the time you saw him? A Uncle Billy Vann.
Q Do you know it was him preached at that time? A Yes sir.
Q How many years did he stay right there about Spring Creek? A I couldn't tell you that, because I didn't live right there where he was, I stayed at home and I didn't go around only when I would go to church.
Q How often did you see him at church? A Not more than once or twice.
Q He dropped out of your sight for a number of years? A Went to Miss Alberty's and saw him there when he was making a crop.
Q After that time did he drop out of your sight? A I didn't know whether he got over there after he worked there or not.
Q After that when did you see him? A I never saw him any more until he moved there on our place.
Q When did he move on your place? A About ten or 12 years ago.
Q He came from where down there? A I don't know.
Q His woman was a state woman? A I guess so, I don't know.
Q He married her in Kansas City? A I couldn't tell you.
Q Well now down here until then you never saw him? A No sir.
Q Did he tell you about living in Kansas? A No sir.
Q Did he tell you he had another wife before? A I know he had another wife.
Q Did he have any children by the first wife with him? A I never see any children by his first wife with him.

Applicant recalled and examined by Mr. Hastings:

Dennis Vann et al

Q Where did you see Columbus the first time after the war? A At Gibson.

COLUMBUS LADLEY, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Columbus Ladley.
Q How old are you? A 22.32.
Q What is your post-office address? A Tallulah.
Q You are a citizen of the Cherokee Nation? A Yes sir.
Q Free man? A Yes sir.
Q You know the applicant, Dennis Vann? A Yes sir.
Q Was he a slave? A I couldn't tell you.
Q Where was he when you first knew him? A Port Gibson.
Q When? A I couldn't say just when.
Q You don't know what year? A No sir.
Q How long was it after the war? A It was a few years after the war.
Q Have you known him since that time? A Yes sir.
Q Where has he been living since then? A I couldn't tell you, I saw him around Tallulah some.
Q You don't know where he permanently resided with his family since then? A He was at Hatoosa but he was west of here since then.
Q You know his children? A No sir.
Q Knew any of his wives? A No sir.
Hastings values examination of this witness.

Applicant recalled, and further examined by Com'r Needles:

- Q Was she the mother of those two children, Carrie and Marie?
A Charlotte.
Q That was your first wife? A Yes sir.
Q She was a state woman? A Yes sir.
Q No proof of marriage to her? A No sir.
Q Did you get a license? A No sir.
Q You married in the State of Kansas? A Yes sir.
Q Didn't you have to have a license in the state of Kansas?
A Yes sir, but I didn't get any.
Q Fact is you were not married at all? A Yes sir, just without license and went before the squire and married.
Q The squire married you up there without any license? A I suppose he must have had a license.
Q You know whether you went to the clerk's office and got a license and paid for it don't you? A I never paid for no license.
Q How long did you live with your first wife? A I lived with her about five years.
Q Did she die? A Yes sir.
Q Have you got any witnesses to prove that you lived with her and that those children were born during that time? A No, there is nobody here knows her.

Com'r Needles: Dennis Vann applies for the enrollment of himself and two children; he is identified upon the authenticated roll of 1890 at the census roll of 1896, but is found upon the Wallace roll, but not upon the Kern-Glifton roll; he avers that he has been married three times, - he married his first wife in the state of Kansas, by whom he has two children, Carrie and Marie, whose names do not appear upon the rolls of the Cherokee Nation; no proof is made of marriage other than the testimony of the applicant himself; he avers that he never had a marriage license, although he was married in the state of Kansas, proof of their residence is unsatisfactory, as previously, Dennis Vann and his two children Carrie and Marie,

Dennis Vann et al ?

will now be listed for enrollment as Cherokee Freedmen on a doubtful card; he will be notified by mail of the action of the Commission in his case, when arrived at.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 17, 1901.

M. D. Green

Commissioner of the

X
File with Cherokee Freedmen, # 452 D. C. 1, Dennis Hann

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Cherokee, I. T., June 12, 1901.

In the matter of the application of Robert Beem et al. for
enrollment as Cherokee Freedmen.

Appearances:

Mallett & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JESSE COCHRAN, being duly sworn by Commissioner Needles, tes-
tified as follows:

Q Mr. Hastings, what is your name? A Jesse Cochran.

Q What is your age? A About 53.

Q Where were you born? A Here in the Cherokee Nation.

Q Cherokee by blood? A Yes, sir.

Q Did you go out of the Nation during the war? A No, sir.

Q Where did you live in '63 and '64? A Out here on Grand River,
it was known as the Johnson Thompson place.

Q A brick house there? A Yes, sir.

Q Mr. Cochran, was your father living with you in '63? A Yes, sir.

Q When did your father die? A In the fall of '63, he was killed
the same of Robert.

Q Where was he killed? A On the military road at what was
known as the Bob Daniels place.

Q How far was that from the place you are living? A It is about
three miles.

Q On what side of the Grand River were you living? A It would be
on the west side, same side the military road was.

Q Do you know Bob Daniels Knight, who is a witness here in this case?

A No, sir, not that time.

Q You didn't know him then? A No, sir.

Q Do you know him now? A Yes, sir.

Q Did you take any steps after your father's death to apprehend,
to catch the people who did the killing? A Yes, sir, I went and got
the sheriff and his posse, we were trying to find the man that killed
him, his name is Lewis Vittetean.

Q Where did you go? A I went up right northwest on what is
known as Cabin Creek, over near the Lee Schrimsher place, and couldn't
see any track of a wagon, which I thought he had gone and left in a
wagon, and then I went across northeast in the direction of Horse Creek
and I found the place that was known as the old Knight place, it
would have been about the first of November.

Q After your father was killed? A Yes, sir.

Q Was anyone living there at that time? A No, sir, there wasn't
anyone there at all.

Q You made an examination of the house at that time? A Well,
we just rode around there, there wasn't a wall in there, it was open
and vacant, I had been there before.

Q You made an examination and wasn't anybody living there? A No,
sir.

Q Did you have occasion to pass by this same house after that?

A Yes, sir.

Q About how long after that? A It was along in about, I would
say about the 15th or 16th of November.

Q Of that year? A The same year.

Q Was anybody living there at that time? A No, sir.

Q Do you know who afterwards lived in that house? A No, sir, I
don't.

Q You know what place it was called, known as? A Oh yes, I know
it was the old Knight place.

Q On what creek? A It was near Horse Creek.

Q When did you move away from the Thompson place on Grand River?
A In the spring of '87.

Q Up to that time, did you hear of any fight made upon any negroes on Horse Creek in the Cherokee section?

Mr. Hellette: I object to the question as not material in this case. It is pure hearsay.

Mr. Hastings: It is a circumstance that unquestionably ought to be admitted.

Mr. Hellette: I don't think that is a material question.

Q Did you know of any? A Only just heard of it.

Q Did you hear of it at that time? A In 1887, the fall that I went down to Cabin Creek to the store, a man by the name of Mall was selling goods there, and they told me the soldiers had just passed.

Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.

Q You hadn't heard of any fight before you went to the Knight place in '88? A No, sir.

Q Do you know this appellant, Tobe Bean? A I don't know whether I do or not; in the last few years I might have seen him a time or two at that time I don't think I knew him.

Q How far were you living from Andy Ryse and Millie Ryse when your father was killed in October of 1885? A It must have been about two miles, just above the road across the river, might not have been that far.

Q You didn't know Tobe Bean then? A No, I knew the others that was living there.

Q You were acquainted with the other colored people who were living over there? A Yes, sir.

Q Did you ever see Tobe Bean over there in that year? A I don't remember whether I did or not.

Mr. Hellette: They had a good many fights around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.

Q No fights at all? A At that time there wasn't nobody killed.

Q Well there was when my father got killed a month before that.

Q Where did he get killed? A On the military road.

Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.

Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you knew.

Q Do you swear that you heard of every fight that occurred?

A Well, I would remember it if I did hear it, I don't think I heard of any.

Q Where did you say you lived along about that time? A On Grand River.

Q How old were you then? A Well, I must have been nearly 20 years old.

Q What part of Grand River did you live? A In '86, as I said, where I was living on what was known as the Johnson Thompson place, a brick house.

Q Near what place on Grand River now? A I believe they call it the Ketchum place now.

Q On which side of the river were you living? A I would call it on the west side of the river.

Q You ought to know? A That is what it is.

Q Mr. Hastings had asked you something about the Knight place, what place is that in your mind is your about? A Well, that is right pretty much near the Thompson place, right due north.

Q How far from there? A Well, I don't know, but the Thompson place, well it doesn't have been very far.

Q Would you call it about 10 or 12 miles? A I was, yes, sir.

Q Up where that house stood? A Yes, sir.

Q Where place was that? A It was known as the Knight place, it was vacant, though.

Q How often had you been up in that country? A Well, I can't tell you just how often I had.

Q I just want to know, how often you had been up in that country?

A I had been to that place three times that year.

Q Do you remember every place, do you remember for 35 years afterwards every place that was vacant at that time? A Yes, sir, I do.

Q You can remember now every place that you passed by in '66 that was vacant at that time? A Yes, sir, there wasn't but one old place between there known as the Ben Landrum place, that was the only place there was there.

Q You just passed by those places in question? A Yes, sir.

Q Came right through that country? A Yes, sir, over on the military road.

Q Who did you say was with you? A My father when I first got acquainted with the place.

Q Who was with you the last time? A Tom Thompson and old man Johnson.

Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.

Q Were you driving or riding? A In a wagon.

Q You stopped at the spring and passed on, is that all you did?

A Yes, that was about all we done.

Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.

Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.

Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.

Q There has been a good deal of talk about these people remembering '66; how do you remember it; you didn't have to get back? A Me, no sir.

Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.

Q You say you started out to hunt the people that killed him?

A Yes, sir.

Q And Tom Johnson was with you? A No, that was the last time I was up there.

Q The last time that Tom Thompson was with you? A Yes, sir.

Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th or 15th.

Q You remember now it was the 10th or 15th of December? A Yes, sir.

Q How do you now happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Neosho, to get some groceries.

Q How do you remember at this time it was the 10th or 15th of December? A Because it was Christmas coming, we had to get back before Christmas.

Q Might not it have been in November? A No, sir, it wasn't in November.

Q What did you have your attention called to this time before this; never thought of this till since this freedman court has been sitting here? A I don't know, it has been talked about for several years.

Q What was it talked about? A This matter came up about the same way at the Clifton Court.

Q You never thought about it then till the Clifton Court? A They told me I was subpoenaed on that.

Q The Clifton Court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever knew so it, I knew those facts though.

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Q You testified to the same facts before the circuit court you testified to now? A Yes, sir, as near as I can remember.

Q What do you know about it? Do you think you have the same testimony that you do now? A I do.

Q Do you remember about Al Lynch getting shot, this colored man, a citizen of the Cherokee Nation? A Yes, sir, I know just about what time, I wasn't there to see.

Q What year was it? A It was in '86.

Q You are certain of that? A Yes, sir, I let him have the whack-o to get away.

Q Well now you know it was in '86 that Ross went shot Al Lynch do you, Ross Whitwire shot Al Lynch? A Yes, sir.

Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.

Q Didn't you go down to Dave Ross's and tell them Ross Whitwire had shot Al Lynch? A No, sir.

Q You didn't? A No, sir.

Q You are certain of that? A Yes, I had nothing to do with it.

Q But didn't you just carry the information down there to Ross's that Al Lynch had been shot? A No, sir, I didn't.

Q You will swear that? A Oh yes, I never carried any such news.

Q Didn't tell anybody of it? A Of course I might have said that, it was rumored, everybody knew it.

Q Hadn't you been talking it down at Ross's, about Al Lynch having been shot? A No, sir, I don't think I did.

Q You hadn't mentioned it down there at all? You know where Ross lived, didn't you? A Oh yes, Dave Ross.

Q How close is it to you? A It is 20 or 25 miles.

Q Do you remember being down there in '86? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.

Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court judges.

Q Delegate to Washington? A Yes, sir.

R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.

Q What is your age? A 34.

Q Where do you live? A Now, I live in Winita.

Q How long have you lived there, a number of years? A 25 years.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Did you live in the Cherokee Nation before the war? A Yes, sir.

Q You lived in the Cherokee Nation after the war? A Yes, sir.

Q Where was the first place that you lived in the Cherokee Nation after the war? A On Royal Creek.

Q What district is that in? A Delaware district.

Q Was there any road that ran by your place at that time? A The old military road, we used to call it.

Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.

Q Where were you taken? A Yes, down.

Q What were you charged with? A Killing some negroes that was passing down the road there.

Q Well, had some negroes passed your place since that time? A Yes, since to my knowledge.

Q Did any of them get killed at your place? A Yes, there was I guess two anyway was killed there. I heard there was three, I don't know.

Q Any others wounded? A There was one. I don't know, that is only from hearing. I saw him when he was fired at, but I didn't see he was struck.

Q Did you see the shooting? A Yes, sir, the most of it, the first two or three shots I didn't see.

Q Several colored people along? A Yes, looked to me like there might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed that crowd? A Yes.

Q Well, who?

Mr. Mellette: Hold on; did he see who they was.

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to John Bean here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time. I don't know whether there was ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter; two or three parties that came to my house —

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the night that had occurred there prior to that? A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Sam Smith and a man named John Willis.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1867, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles; a little more or a little less, I don't know just what to call it.

Q The military road ran right by it? A Not by the Thompson place.

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this man John Bean had ever talked to you about taking shot at that place? A Well, I don't know, but that something might have been said, I think I remember, that he said something about going in that fight, or something about being

shot up there in '66, and that he was the fellow shot in that fight in '66, and probably I remarked that if he was shot in '66 he was a different man from the one shot in that fight.

Q That is your best judgment, it was John Bean, the applicant?

A Yes, sir; I think that is the remark, I don't know, I only had a word or two at the time, I never knew since the trouble that he was one of them until that time, I knew his name, but I didn't know him, I could have picked him out.

Mr. Mellette: Mr. Knight, did you say that you were arrested for killing the men that were killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The man I was accused of killing.

Q Yes? A The only killing that ever happened there that I know of.

Q Who did the warrant say you were charged with killing? A I don't know that it specified the names at all.

Q You would not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Timbered Hill? A Which Timbered Hill?

Q This one up here by Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored men up there?

A No, sir.

Q Isn't that the case you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do; did the officers read the warrant to you? A Well sir, I can't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

J. C. Trotter, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. C. Trotter.

Q What is your age? A 32.

Q What is your postoffice? A Vinita.

Q Are you a citizen of the Cherokee Nation? A I am.

By blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation, before the war?

A Yes, sir.

Q Did you go out during the war? A I did.

Q When did you come back to the Cherokee Nation after the war?

A In the spring of '66.

Q Where did you live that spring? A On Russell Creek.

Q How far is that from Chetopa, Kansas? A About four miles.

Q What direction from Russell Creek? A We lived on Russell Creek.

Q Well, where did you move to that, fall? A Moved to the mouth of Horse Creek.

Q Where were you living in '87? A On Horse Creek, right at the mouth of Horse Creek on Grand River.

Q Do you know the applicant, John Bean? A I have seen him, I don't know as I am acquainted with him.

Q Mr. Trott, any time after the war, did or did you not hear of the circumstance of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.

Q When did you hear of that? A It was in the fall of '87.

Q How far were you living from the Knight place at that time? A About four miles.

Mr. Mellette: Now Mr. Trott, do you remember that you came back here in the spring of '88? A I think I do.

Q How in the world do you know it? A I was in the army and was mustered out in '85, in the fall, and the next summer we moved down here, the next spring.

Q Where did you come from? A Kansas.

Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.

Q Where did you stay? A In Woodson County.

Q Who did you live with up there? A My father and mother.

Q What time did you start back here in '88? A It was in the spring.

Q In the spring of '88, how did you come? A In wagons.

Q Travel through the country? A Yes, sir.

Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.

Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chetopa.

Q Which way did you come, come by Vinita? A We came on the Neesho River.

Q Did you come by Vinita? A No, sir.

Q How else did you come? A Came right down the Neesho River all the time till we struck the Territory line there.

Q Then how did you come? A We went up by the creek after we struck the line, and stopped.

Q You stopped just inside the Cherokee Nation? A Yes, sir.

Q Up there on Russell Creek? A Yes, sir.

Q In the spring of '88? A Yes, sir.

Q What month? A I don't know exactly as I can name the month.

Q How long did you stop up there? A We stayed all the summer of '88.

Q What did you do in the fall? A In the fall we moved to Horse Creek.

Q What time in the fall? A Probably late in the fall, I don't know the exact date of it.

Q You say you heard of a fight in the fall of '87? A Yes, sir.

Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Grand River.

Q How many fights did you ever hear of along about that time? A That is the only one.

Q You never heard of anybody being killed up there except that? A Not that year I don't think I did.

Q Now are you positive about that? A I think that is the only fight I heard of.

Q You just simply heard of it, that is all, is it? A Well, I saw the troops in there but a short time afterwards hunting the fellows that done it.

Q Where were the troops sent? A Said to be from Van Buren.

Q Were they were troops come from Van Buren, did they? A That is what they said.

Arkansas? A Yes, sir.

Q Federal troops? A Yes, sir.

Q Don't you know there were not any troops at Van Buren in '67?

A I don't know anything about it.

Q You say the troops all right, did you? A I did.

Q How many? A Seemed to me like about 20 or 25.

Q White or colored? A White men.

Q Who commanded them? A I don't know that.

Q Where did you see them? A I saw them at my house on Horse Creek.

Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.

Q When did you first know about this fight, that it was in '67 that that fight occurred; what was that first called to your attention Mr. Trotter, since this Freedman Court has been in operation?

A No, sir, I have heard of it all along.

Q I know, but have known a good many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don't know, I have heard it talked about ever since then.

Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.

Q That has been 35 years ago, or 36 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.

Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.

Q What time? A I don't know the month, but it was way late in the fall.

Q Were you in the army? A I was.

Q In any fights? A Yes, sir.

Q Where? A Prairie Grove, Arkansas.

Q That the only fight? A That is all.

Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1863.

Q '63? A Yes, sir.

Q You don't mean that? A Yes, sir; '63 I meant to say.

Q The winter of '63: Was it before Christmas or after Christmas?

A I guess it must have been after Christmas.

Q Was that in '62 or '63? A '63.

Q What month in '63? A I don't recollect the month.

Q Was that in the first part of '63 or the last part of '63?

A I can't tell you exactly.

Q You can't put it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.

Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part.

Q You are satisfied of that? A I am not satisfied of it positively.

Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I don't know about that Horse Creek fight because I was living there.

Q You were in the Prairie Grove fight, and still you know more about the other one you were not in: isn't that true? A The other hasn't been quite so long.

Q There has been about three years difference.

G. W. CLARKE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A G. W. Clarke.

Q What is your age? A My coming birthday, I will be 59.

Q A citizen of the Cherokee Nation by blood? A Yes, sir.

Q You lived in the Cherokee Nation before the war? A All my life.

Q You were in the army, were you? A I was in the northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson on the last of May, in 1865.

Q Where did you live the rest of the year of 1865? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Ellis McDaniel place on the west side of the river, it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '67? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q Where were you living when you heard of that incident?

A I was living in the Six Mile Bottom in the fall of 1867.

Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good men, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q How many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road in the way I understood it.

Commissioner: You don't know anything about that fight of your own knowledge at all? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight anyhow? A No.

1. J. MONROE, being duly sworn by Commissioner Needles, testified as follows:

Q. Testimony: What is your name? A. T. J. Monroe.

Q. How old are you? A. 43.

Q. Are you a citizen of the Cherokee Nation by blood? A. Yes, sir.

Q. You were born before the war? A. Born in '57.

Q. Where did you live before the war? A. Lived on the line of the Osage and the western line of the Cherokee Nation, near the Osage lands.

Q. Did you go out of the Nation during the war? A. Yes, sir.

Q. To what place did you return after the war? A. A place known as the Bone place on the Grand River, east of Grand River, in Delaware district.

Q. How far was that from Horse Creek? A. It was ten or 12 miles.

Q. Do you know whether the old Knight place was on Horse Creek? A. Yes, sir.

Q. How far did you live from that? A. It was about ten or 12 miles I think.

Q. How far from the Johnson Thompson place on Grand River did you live? A. The Johnson Thompson place?

Q. Not a precinct? A. It is about, I would think about 15 or 16 miles, 15 or 16.

Q. When did you move to that place after the war, in what year? A. Sometime in February, 1868.

Q. February of 1868? A. Yes, sir.

Q. Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed on Horse Creek? A. Yes, sir.

Q. When did you hear of that? A. The next year, right sometime in the summer or fall, I don't recollect just what month.

Q. What year? A. Of '57, we lived then on the west side of the river on the Stand Waite farm.

Mr. Mellette: Where were you living at that time? A. That I heard of this fight?

Q. Yes? A. On the Stand Waite place, on the west side of the Grand River.

Q. How far were you living from Horse Creek? A. Couldn't have been over eight or ten miles.

Q. When did you move on the Stand Waite place? A. Sometime during the winter of '56 or '57. It appears to me it was in January, in the year '57.

Q. Was it before Christmas or after Christmas? A. I think it was after Christmas.

Q. That is the time you want it to stand? A. Yes, sir.

Q. Where did you move from? A. From the west side of the river, from the Baker place.

Q. How long did you live there? A. From February up until we left I think in January, sometime in the winter time.

Q. What year did you move to the Baker place? A. In '56.

Q. What time in the year? A. I think it was in February.

Q. Where did you move from? A. We came from the Choctaw Nation on Red River.

Q. Then did you come? A. I stayed a while right on the line of Missouri.

Q. When did you come from the Choctaw Nation? A. We left the Choctaw Nation sometime in the latter part of October, I think.

Q. That is '56? A. '56.

Q. You don't be mistaken? A. No, sir.

Q. You are so sure as remembering dates, I suppose? A. I am not trying to remember by.

Q. You don't have to go back here by '56? A. No, sir.

Q. You want anything to impress it on your mind? A. If you will

let me explain, we lived right on the same place with Joel Bryant, on the same farm, he was a Major General, or something, in the Confederate army. He came home during the summer, I think in June, and took his family and started to old Mexico, and then we sold our crop in the fall before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '58, I was 15 I believe in '65.

Q About 15 years old? A About 13 in '65 I think, if I am not mistaken.

Q And still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1865 and came up here and went on to the Boxer place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Stand Waite place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes; when did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 36 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told us about this fight, did you hear of this fight up here and a lot of them people getting killed; I remember it well, guessing about who done the killing, they didn't call any names, but referred to them as the "red face" fellows.

Q You remember 36 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have anyhow? A I think about 15.

Q Can you remember every time a man has brought a horse to you since '67? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had farmed one year on the Boxer place? A Yes, sir.

Q What did you farm with? A A little yoke of stagg.

Mr. Hastings: what position do you hold now, if any? A Senator in the Cherokee Nation.

-12-

Q You are a senator from Delaware district? A Yes, sir.
Q You have been senator before? A Yes, sir.
Q Been Sheriff of your district? A Sheriff one time and senator two terms.

Mr. Hastings: I desire to offer this testimony in the Arthur Bean case, D-213; Joseph Bean, D-215; Lucy Bean, D-290; Lewis Martin, D-239; and Fannie Night, D-207.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 12th day of August, 1891.

Commissioner.

No. D. 641

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901

Given under my hand this
day of..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A.D. 1901

Subscribed and sworn to before me
this..... day of..... A.D. 1901.

Notary Public.

Proof of Service
and original filed with the
DAVES COMMISSIONER

SEP 23 1901

NOTICE!

IN THE MATTER OF the application of _____
for enrollment as a Cherokee citizen:

Case No. D 641

To Dennis Vann Caloosa

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on SEP 17 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L. B. Bell
M. H. Hastings
Attorneys for the Cherokee Nation.

File with Cherokee Freedmen No. 41, Bureau of Indian Affairs

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I.T., October 11, 1901.

In the matter of the application of Sobies Bush for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:

Mallette & Smith, attorneys for applicant;
W. V. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.

Mr. Mallette: I am going to offer some additional testimony.

Mr. Hastings: That test?

Mr. Mallette: To show the date of what is known as the Horse Creek fight, out here.

Mr. Hastings: Comes now the representatives of the Cherokee Nation in object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony was introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.

Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mallette: What is your name? A. Mary Brown.

Q How old are you, Mrs. Brown? A. I don't know my age exactly.

Q Give an idea? A. About 60.

Q Are you a Cherokee Indian by blood? A. Yes, sir.

Q Recognized citizen of the Cherokee Nation? A. Yes, sir, I am.

Q Where do you live? A. I live at what is known as the Bowling Ferry place on Grand River.

Q How long have you lived on Grand River? A. About 27 years, down there.

Q When did you return to the Cherokee Nation after the war, if you left it? A. I came home about three weeks before Christmas, in '63.

Q Where was your home at that time? A. About one mile and a half north of Fairland City, that is the name of the place now.

Q Is that a point up here close to Fairland? A. Yes, used to be just a depot up above Fairland near the road.

Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A. I do.

Q How did you first learn of that? A. There was some news come to my house to stay all night.

Q Who were they? A. Kinch Vest and a band of men.

Q Did you learn from them anything about the colored people being killed? A. Yes, sir, they told us they had killed some negroes.

Q How many were in that party? A. I can't tell you positive.

Q About how many, or can you give an idea? A. About six, to the best of my knowledge, I never took no particular notice how many.

Q Did you hear anything further about it after they came to your house? A. Yes, sir, two or three days afterwards we heard some colored people got killed.

Q Where was that? A. Somewhere on the military road near Horse

Creek.

Q How far was that from your house? A About six miles.

Q Now when was that, Mrs. Brown, that Kinch West and his crowd came to your house and you heard of this killing of the colored people? A Fall of '88, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you fix it as 1888? A Well, I came home as I saw in '88, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 26th day of May, in 1888, and this was the fall following.

Mr. Hastings: Did you ever have any other children born? A Yes, sir.

Q When? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the next one born? A In 1870.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you that.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q Now do you know what happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the courts.

Q Where do you live now? A I live at the Bowling Ferry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '68.

Q When was the third one born? A The third one was born May 26, of what year? A In 1888.

Q When was the next one born? A I don't know that.

Q Now when was the fifth one born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the ninth one? A Well, I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelfth one? A I don't know, I can't count them all of them.

Q Don't know? A No, sir, I am no scholar.

Q Where was Bob Knight living at that time? A I can't tell you just exactly.

Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.

Q And what was the distance, was it? A About ten or twelve miles.

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Q Had you ever seen Bob Knight up to that time? A No, sir.
Q You wasn't over there at that time, the Knight place? A I had passed the road.
Q You saw these folks there? A No, sir.
Q You didn't see them? A No, sir, I can't call it.
Q You never saw any of these darkies at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was at? A Never was right at the place.
Q Was it over at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Lem Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

W. M. McKee

Commissioner.

File with Cherokee Freedmen

D-841, Dennis Vann.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I. T., October 25, 1901.

In the matter of the application of Tobias Vann et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants.

Appearances:

Hallette & Smith, attorneys for applicants;
W. F. Hastings, of counsel for Cherokee Nation.

M. P. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Q Mr. Smith, State your name? A M. P. Rowe.

Q What is your postoffice, Mr. Rowe? A Rose.

Q What is your age? A 52.

Q How long have you lived in the Cherokee Nation, Mr. Rowe? A I have lived here all my life.

Q Are you a Cherokee Indian by blood? A Yes, sir.

Q Were you out of the nation during the war? A No, sir.

Q Where were you, Mr. Rowe, in the year 1866? A I was at my father's place.

Q Where did your father live at that time? A Lived in Saline District, Cherokee Nation.

Q Did you know a colored man named George W. Vann? A Yes, I know George.

Q Which George is it you know? A I know George Vann, lives on Spring Creek.

Q Spring Creek George, sometimes called Spring Creek George? A Yes, sir, Spring Creek George.

Q Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '69.

Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.

Q What knowledge have you that they were killed? A What knowledge have I?

Q Yes, did you see them? A Yes, I saw the dead men afterwards, saw bullet holes in them.

Q Do you know whether they were buried or not? A Yes, they were buried at Aunt Kalia Williams place.

Q Who were the men? A Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.

Q Were they colored men? A Yes, sir.

Q Who helped to bury them? A A whole lot of colored fellows buried them there.

Q Can you think of those whose names you remember? A There was Gilbert Vann, the Vann, George Vann, Joe Bean, and a good many men I don't recollect.

Q How many more do you think there were besides those you mentioned? A I don't know, I never counted them.

Q Do you know what was even done about that after, whether anybody was ever arrested or not? A No, sir, I never knew whether anybody was arrested about it.

Q Well, was the George Vann that you speak of, state whether or not he was the man that you spoke of a while ago as Spring Creek George?

A Yes, Spring Creek George was that.

Q Was he one of the men who helped bury those three men?

Q Yes, sir.

Q Hastings? You are not positive, are you Mr. How, as to the year? A That is the best of my knowledge, that it was '86.

Q That is just the best of your judgment? A Yes, I am pretty reliable as to this about it, it was '86.

Q That time of the year do you think it was? A Along in September.

Q Do you know what place on Horse Creek that fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.

Q Know whether it occurred at the old Knight place? A No, sir, I don't know where it occurred.

Q How old were you then? A I guess I must have been 16 or 17 years old.

Q Just a lad of a sort? A Yes, sir.

Q You hadn't been out during the war? A Out of the Cherokee Nation, no I wasn't out of it.

Q There was no duty to make your return? A No.

Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and in D-818, D-819, D-820, D-827, D-828, D-829, D-830, D-831, D-832, and D-833.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 8th of November, 1901.

[Signature]

Commissioner

RECORDED

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by
W. H. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Homes Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Marian Hayden case D D 498, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Marian Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Dennis Vann, D D 421;

By W. H. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show that
the applicant was a slave of the Cherokee Nation at the beginning
of the war, nor that he returned within the time specified in the
treaty of 1866, or that he had been a continuous resident of the
Cherokee Nation since that time, or that he is a descendant of such
a person. Second: Because the same is incompetent, irrelevant
and immaterial, and does not tend to prove an issue in this case.
Third: Because the Commission will take judicial knowledge of all
laws, treaties and decrees necessary for the determination of the
right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-
tertained and the decree of the Court of Claims filed in this case
of Marian Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which came
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Marian Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof or any
or all of the records other than the decrees already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the expiration of the term of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rathenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

(Signed) P. G. Reuter,
Notary Public.

Cherokee Freedman D-41.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Langhorne, Indian Territory, October 15, 1904.

Supplemental proceedings had in the matter of the application for the enrollment of Dennis Vann, et al., as Cherokee Freedmen.

Thomas Bean, being duly sworn, testifies as follows:
BY THE COMMISSION:

- Q. What is your name? A. Thomas Bean.
Q. How old are you Mr. Bean? A. About 67 years old, somewhere along there.
Q. What is your postoffice address? A. Vinita.
Q. Are you acquainted with Dennis Vann? A. Yes sir.
Q. Where does Dennis Vann live? Where does he live? Somewhere on the river, I don't know exactly where.
Q. Do you know what district he lives in? A. No sir I don't.
Q. Do you know whether or not he lives in the Sawwagawee district? A. I don't know whether he does or not.
Q. Has Dennis Vann any children? A. Yes sir.
Q. What are their names? A. I don't know their names, I haven't been living close to them for a long time.
Q. Did you know Dennis Vann at the commencement of the war of the rebellion? A. Yes sir.
Q. Who was his owner? A. Kame Williams was his owner.
Q. Was she a Cherokee? A. Yes sir.
Q. Indian by blood? A. Yes sir.
Q. Did Dennis Vann live in the Cherokee Nation during the war? A. Yes sir.
Q. Do you know where he went after? A. He went to Kansas, to Oawatomie where he lives somewhere near by there.
Q. When did you return to the Cherokee Nation after the war? A. In '66.
Q. To what point did you go in the Cherokee Nation? A. On the Grand River, about fifteen miles south of Vinita.
Q. Do you know when Dennis Vann returned? A. Yes sir.
Q. When did he come? A. In '66 when I came.
Q. Dennis Vann returned with you? A. Yes sir.
Q. Where did you go with Dennis Vann after you came to the Cherokee Nation? A. I left him about twelve miles, or near that, when we started he was with me at Ft. Scott.
Q. What time did you leave Ft. Scott? A. Along the first of September sometime.
Q. Was that your first trip to the Cherokee Nation? A. Yes sir.
Q. Where did he leave you in the Cherokee Nation? A. On Spring Creek, I left him.
Q. That is in the Cherokee Nation? A. Yes sir.
Q. Do you know where he has lived since that time? A. No sir, I don't. I don't know exactly where he lives, somewhere in the old part of the Nation.
Q. Where has Dennis Vann lived since his return to the Cherokee Nation? A. I don't know where he has been living.
Q. How often do you see him? A. I haven't see him more than

once in three or four years.
 C. You do not know then whether he has lived in the thar-
 abet Nation continuously since his return to it? No sir.
 d. How old a man was he at that time? A few years
 older grown, just a boy.
 e. Who was he with, his father? Yes sir, he was
 with his brother.
 f. The brother, what is his name? A George V. Lee, his
 father is dead but his father is living in the thar-
 abet. Was George V. Lee in the Horse Creek fight? Yes sir.

The witness, being first duly sworn, states that in pre-
 sence of the Commission to the Five Civilized Tribes
 he reported the proceedings in the case of the above named
 and that the above and foregoing is a true and correct
 transcript of his stenographic notes thereof.

Subscribed and sworn to before me
 1904.

KILLED

COMMISSION TO FIVE TRIBES
 DEC 3 1904

this 15th day of October
 1904
 J. H. Campbell
 Notary Public,

once in three or four years.

Q. You do not know then whether he has lived in the Shawnee Nation continuously since his return to it? A. No sir.

Q. How old a man was he at that time? A. He wasn't quite grown, just a boy.

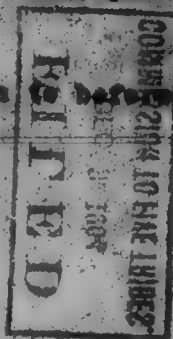
Q. Who was he with, his parents? A. Yes sir, he was with his brother.

Q. His brother, what is his name? A. George Vann, his mother is dead but his father is living thought.

Q. Was Dennis Vann in the Horse Creek fight? A. Yes sir.

Opal Griggs, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings in the above entitled cause and that the above and foregoing is a true and correct transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 18th day of October 1904.



Opal Griggs
me this 18th day of October

Notary Public.

Cherokee Freedmen D-641.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, October 14, 1904

Supplemental proceedings had in the matter of the application for the enrollment of Dennis Vann, et al., as Cherokee Freedmen;

Tobias Bean, being duly sworn, testifies as follows:
BY THE COMMISSION:

- Q. What is your name? A. Tobias Bean.
- Q. How old are you Mr. Bean? A. About 47 years old, somewhere along there.
- Q. What is your postoffice address? A. Vinita.
- Q. Are you acquainted with Dennis Vann? A. Yes sir.
- Q. Where does Dennis Vann live? Where does he live? Somewhere on the river, I don't know exactly where.
- Q. Do you know what district he lives in? A. No sir I don't.
- Q. Do you know whether or not he lives in the Sebecussee district? A. I don't know whether he does or not.
- Q. Has Dennis Vann any children? A. Yes sir.
- Q. What are their names? A. I don't know their names, I haven't been living close to them for a long time.
- Q. Did you know Dennis Vann at the commencement of the war of the rebellion? A. Yes sir.
- Q. Who was his owner? A. Katie Williams was his owner.
- Q. Was she a Cherokee? A. Yes sir.
- Q. Indian by blood? A. Yes sir.
- Q. Did Dennis Vann live in the Cherokee Nation during the war? A. Yes sir.
- Q. Do you know where he went after? A. He went to Kansas, to Kawwatomie where he lives somewhere near by there.
- Q. When did you return to the Cherokee Nation after the war? A. In '66.
- Q. To what point did you go in the Cherokee Nation? A. On the Grand River, about fifteen miles south of Vinita.
- Q. Do you know when Dennis Vann returned? A. Yes sir.
- Q. When did he come? A. In '66 when I came.
- Q. Dennis Vann returned with you? A. Yes sir.
- Q. Where did you go with Dennis Vann after you came to the Cherokee Nation? A. I left him about twelve miles or near that, when we started he was with me at Ft. Scott.
- Q. What time did you leave Ft. Scott? A. Along the first of September sometime.
- Q. Was that your first trip to the Cherokee Nation? A. Yes sir.
- Q. Where did he leave you in the Cherokee Nation? A. On Spring Creek, I left him.
- Q. That is in the Cherokee Nation? A. Yes sir.
- Q. Do you know where he has lived since that time? A. No sir, I don't, I don't know exactly where he lives, somewhere in the old part of the Nation.
- Q. Where has Dennis Vann lived since his return to the Cherokee Nation? A. I don't know where he has been living.
- Q. How often do you see him? A. I don't see him more than

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On the 1st of June 1904, the deceased lived in the city of New York, and at that time was a resident of the city of New York. The deceased was a native-born American citizen, and was a resident of the city of New York at the time of his death. The deceased was a man of good character and high standing in the community. He was a member of the City of New York, and was a resident of the city of New York at the time of his death. The deceased was a man of good character and high standing in the community. He was a member of the City of New York, and was a resident of the city of New York at the time of his death.

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once in three or four years.

Q. You do not know then whether he has lived in the Cherokee Nation continuously since his return to it? A. No sir.

Q. How old a man was he at that time? A. He wasn't quite grown, just a boy.

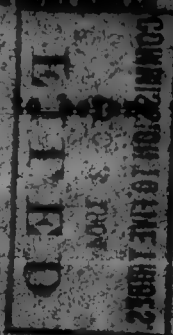
Q. Who was he with, his parents? A. Yes sir, he was with his brother.

Q. His brother, what is his name? A. George Vann, his mother is dead but his father is living thought.

Q. Was Dennis Vann in the Horse Creek fight? A. Yes sir.

Opal Griggs, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the proceedings and in the above entitled cases and that the above and foregoing is a true and correct transcript of her stenographic notes thereof.

Subscribed and sworn to before me this 15th day of October 1904.



Opal Griggs
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, Nov. 22, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Dennis Vann, et al., for enrollment as Cherokee Freedmen.

It appears that on October 15, 1904, the applicants, their attorneys and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory on Tuesday, November 22, 1904, and then and there introduce such testimony as they might desire in this case.

APPEARANCES:

Applicant appears in person and by his attorneys
Blus & Bulger.
Cherokee Nation by Bell & Hastings.

JOHN PRICE being first duly sworn testifies as follows:

EXAMINATION BY MR. BULGER:

- Q What is your name? A John Price.
Q Are you acquainted with Dennis Vann? A Yes, sir.
Q How long have you known Dennis? A I have known him since in September in 1866.
Q Where did you see him in September of '66? A I saw him with a wagon right across the river from my place.
Q Where is that? A On the Grand River.
Q In the Cherokee Nation? A Yes, sir.
Q Have you known Dennis Vann continuously since '66? A I have seen him at different times, but not all the time. I have seen him working at Jim Markham's.
Q Do you know whether or not he has been residing in the Cherokee Nation since '66? A I don't know. I saw him about the time the M.K. & T railroad came through. The last time I saw him he was at Chetowah cooking in a dining car.
Q Didn't you see him since that time until today? A I don't think I saw him only here of late years.
Q Do you know where he lives now? A He has moved from over there.
Q Did you know him before the war? A No, sir.

CROSS EXAMINATION BY MR. HASTINGS:

- Q You don't know who his owners were? A No, sir.
Q You say you saw him when this railroad was being built here? A Yes, sir.
Q That was in '91 or '92? A Somewhere along about that time.
Q You didn't see him since until the last year or two. A Well I saw him about three or four or five years ago.

WITNESS RECUSED.

FOGG JOHNSON being duly sworn testifies as follows:

EXAMINATION BY MR. BULGER:

- Q What is your name? A Fogg Johnson.
Q Where do you live Mr. Johnson? A Tahlequah.
Q Are you acquainted with Dennis Vann, the applicant in this case?
A Yes, sir.
Q How long have you known him? A I have known him a long time.
Q Did you know him before the war of the rebellion? A Yes, sir.
Q Did you know his parents? A Yes, sir.
Q Do you know whether or not he was a slave before the war? A Yes.
Q Was he a slave of a Cherokee citizen? A Yes, sir.
Q Who was his owner? A Lattie Williams.
Q Do you know whether or not Dennis Vann went out of the Cherokee Nation during the war? A Yes, sir.
Q Did you and Dennis belong to the same party? A No, sir.
Q You went out of the Cherokee Nation with him, did you? A Yes/
Q When did you return? A In '66.
Q It has been a long time since '66, what makes you remember it was in '66 when you returned? A Cause when we was up there we saw the papers said for all colored folks that belonged to the Cherokee Nation were to return back.
Q Did you come back with Dennis? A No, sir, I come before he did.
Q When did he come back? A He come in '66.
Q What time of '66? A Along in September, I don't know exactly.
Q Have you known Dennis Vann continuously since '66 in the Cherokee Nation? A Yes, sir.
Q Do you know where Dennis Vann lives now? A No, sir.
Q Are you acquainted with Dennis's family? A No, sir.

CROSS EXAMINATION BY MR. HASTINGS:

- Q You never saw his wife? A No, sir.
Q Never saw his family? A No, sir.
Q But yet you have just sworn to have known him in the Cherokee Nation since the war? A I haven't seen him all the time.
Q You just swore a while ago you didn't know he came at the same time you did.
Q What year is this? A I don't know what year this is.
Q What year did Kerns-Clifton make a roll of the colored people here preparatory to making a big payment upon it? A I don't know for I can't figure like you can.
Q Do you know what year the Wallace roll was made? A No, sir.
Q How many years ago did you see Dennis Vann in the Cherokee Nation? A I don't know.
Q Are you married? A No, I was married but my wife left me.
Q What year was you married in? A I don't know sir, what year.
Q Got any children? A Yes.
Q What year was the first one born in? A I never kept no record.
Q But you heard before you left Kansas before the treaty and it was in the papers wasn't it for all of you to come home? A Yes, sir.
Q That was in the spring of the year? A Yes, sir.

Q Well now was it in February, March or April? A It was along the last of March cause we got here in April.

Q That was the March or April now that you heard of the treaty you moved back here? A Yes, sir.

Q You heard about the treaty before that? A Yes, sir.

Q Well now how long after, about how many months until you saw Dennis after you come down in March or April as you stated?

A Along in September.

Q How many months after you come did you say you saw Dennis?

A About a month I reckon, it was the same month I come.

Q The same month you came? A Yes, sir.

Q You come you said in March or April? A Yes, sir.

Q Now are you positive about this? A Yes, sir.

Q You are under oath now and you say you come here in March or April, didn't you? A Yes, sir.

Q Along the last of March? A Yes, sir.

Q Are you certain about that? A Yes, sir.

Q It was along in that month you saw Dennis Vann? A Yes, sir.

Q Now you have sworn a half a dozen times in this testimony that you saw this fellow in September. Now you say you saw him in April after the treaty was made wasn't it? A Yes, sir.

Q Now you are certain about that are you? A Yes, it was in April that I come here.

Q And that was after the treaty? A I suppose it was.

Q Is that correct? A Yes, in April.

Q You left him in Kansas when you come? A Yes, sir.

Q He had been in Kansas all this time when you come? A Yes, sir.

Q You left him there? A Yes, sir.

EXAMINATION BY MR. BULGER:

Q Did you come down to the territory before the Horse Creek fight? A Yes, sir.

Q Was you living in the territory at the time of the Horse Creek fight? A Yes.

Q Do you what year that occurred in? A That fall.

Q The fall after you came down? A Yes, sir.

Q And you say you came in April? A Yes, I think so.

Q Did you come in April before or after the treaty was made?

A Before the treaty was made.

Q Where was you when you first heard of the treaty? A In Kansas.

Q And then you came right down? A Yes, sir.

Q How long did you come to the Cherokee Nation before Dennis?

A I come down in April and he come that fall.

WITNESS EXCUSED.

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GEORGE WEST VANN being first duly sworn testifies as follows:

EXAMINATION BY MR. BULGER:

Q What is your name? A George West Vann.

Q How old are you Mr. Vann? A 54 years old.

Q Where do you live? A Cooweescoowee district.

Q Are you acquainted with the applicant in this case, Dennis Vann? A Yes, sir.

Q Are you any relation to Dennis Vann? A We are brothers.

- Q Was Dennis Vann a slave of a Cherokee citizen before the war?
A Yes, sir.
- Q To whom did he belong? A Katie Vann.
- Q Where did Katie Vann live? A In Saline district on Spring Creek.
- Q Was Katie a Cherokee? A Yes, sir.
- Q Did you belong to the same person? A Yes, sir.
- Q Did Dennis go any place during the war? A Yes, we took him as a little chap.
- Q About how old was he then? A He must have been about, I don't know he was from eight to ten.
- Q Where did you take him? A We took him in Kansas, Franklin County, Kansas.
- Q Did you bring him back? A I brought him back myself.
- Q When? A In '66, the fall of '66.
- Q What makes you remember it was in '66? A Well I have got a good remembrance of that cause there was circulars sent all over Kansas that if we got here in the year of '66 we would have all the right of a native born Cherokee.
- Q Did anything occur on that trip down here that makes it more vivid than it would have ordinarily been? A Yes.
- Q What was it? A Well when we got along this side of the Neosho river we discovered someone was slipping on us in the night. Next morning we started out and we came to an old man by the name of Gillstrap and so we stopped there awhile then when we left there we crossed the timber this side of Gillstrap's some fellows run in on us and killed three men and wounded one. Two of them died right then or soon after. We come on to Spring Creek, Saline district.
- Q Where did you say this killing took place? A On Horse Creek.
- Q Is that what is known as the Horse Creek fight? A Yes, sir.
- Q Was Dennis with you at that time? A Yes, sir.
- Q About how old was he then? A He was about ten or twelve.
- Q Do you know where Dennis has lived since his return? A Well he lived first on Spring Creek and next he lived with Dink Markham and then he went on the railroad and worked, I didn't see him for a good while after that. Then after a year or two he has been constantly living on Bird Creek.
- Q Has Dennis a family? A Yes, sir.
- Q Of who does his family consist? A Well Dennis has a widow woman with some children, I don't know how many children.
- Q You mean Dennis is a widower? A He Dennis married a widow woman and she had some children, I don't know how many.
- Q Are these children Dennis's? A I don't know sir.
- Q Where does Dennis live now? A On Bird Creek, Catcona, Cherokee Nation.
- Q Did you know Dennis's wife before he married her? A Yes, I knew her when she was married to a man by the name of Cain.
- Q Is she a citizen of the Cherokee Nation? A No, sir, not as I know of.
- Q Was this man Cain a citizen of the Cherokee Nation? A Yes, sir.

CROSS EXAMINATION BY MR. HASTINGS:

- Q About what time did Dennis marry? A I don't know sir.
- Q Where did he marry? A I don't know.
- Q Well he is your brother? A Yes I know but we was a good ways apart.
- Q Where did you hear of him after '71? A In '71 I heard of him being here in Muskogee. In Muskogee in the Creek nation.
- Q Where did you hear of him marrying? A I never heard of him marrying until I saw him

Q Did you see him during the Wallace court? A No, sir.
 Q Do you know his children? A Why yes I know one.
 Q What is the name? A Carrie.
 Q Do you know she is his daughter? A No sir, only his saying so that is all.
 Q Do you know his child Manie? A Now I just heard of her.
 Q Where was Dennis living during the Wallace court? A I don't know.
 Q His father's name is William Vann? A Yes, sir.
 Q William Vann didn't come back with you? A No, sir.
 Q You didn't see him for sometime after? A No, sir.
 Q Now if Dennis testified that he come back on Spring Creek in '66 he was mistaken wasn't he George? A No, he come back in '66.
 Q But if Dennis testified his father come in '66 he was mistaken?
 A I don't know, I didn't see him at all.
 Q You are a brother of this man? A Yes, sir.

EXAMINATION BY MR. BULGER:

Q Where does Dennis live now George? A Catoosa, in the Cooweescoowee district.
 Q How long has Dennis lived in that district? A Dennis has been living there about the best of my knowledge, about 17 years I think if I haint made a mistake. He has been living there a good while.

EXAMINATION BY MR. HASTINGS:

Q I think you said you didn't know where he was living during the Wallace court? A Well I was just guessing at it.
 Q You said you didn't know where he was living during the Wallace court? A No, sir.

EXAMINATION BY THE COMMISSION:

Q Do you know the names of these children of Dennis? A I have seen one of them and one I never seen.
 Q Do you know their names? A One is a girl called Mary.
 Q Are these Dennis's own children? A Dennis always told us that was his child.
 Q Do you know whether these children were born since he married this wife, Charlotte? A No, sir I don't.
 Q Do you know whether or not this wife Charlotte claims to be a Cherokee Freedman or not, his wife he has now? A No, sir she don't claim to be a Cherokee.

WITNESS EXCUSED.

DENNIS VANN being duly sworn testified as follows:

EXAMINATION BY MR. BULGER:

Q What is your name? A Dennis Vann.
 Q Are you the applicant in this case that is now being tried?
 A Yes, sir.
 Q Where do you live? A In Catoosa.
 Q Was you the slave of a Cherokee citizen? A Yes, sir.
 Q He when did you belong? A Katie Vann.

- Q Did you go out of the country during the war? A Yes, sir.
Q Did you return? A Yes, sir.
Q When? A I come back with my brother George when he come back.
Q When did you reutrn, in what year? A We came the fall of '66.
Q Where have you been living since your return? A I have been living at Goose Neck.
Q What are the names of your children Dennis? A Carrie and Mamie.
Q Just two? A Yes, sir.
Q How old is Carry? A I don't know just exactly she is between 15 and 19.
Q How old is Mamie? A She is about 15 or 16.
Q Are these your children? A Yes, they are my children.
Q Has your wife any children besides these? A No, sir.
Q When were you married to this woman of yours? A I them times we didn't keep no dates, I don't know what time it was.
Q Were you married before Carrie was born? A Yes, sir.
Q Was these two girls, Mamie and Carrie, your children? A Yes.
Q Where are you living now Dennis? A I am living in Catoosa in the Cherokee Nation.
Q How long have you resided in that place? A About 14 years since I have been living there.
Q Where did these children live? A Well my wife never would come here and I just come to Leavenworth and back to the nation again and the children were both born there and lived there.
Q Where were the children born? A In Leavenworth.
Q Are they in Leavenworth now? A Yes, sir.
Q You made application for them? A Yes, sir.

CROSS EXAMINATION BY MR. HASTINGS:

- Q You were married then in Leavenworth? A Yes, sir.
Q Your wife lives there now? A She has been dead a year ago, I left the children with their grandmother.
Q How long has she been dead? A She has been dead--well one was about a year old and the other two or three.
Q How old is the oldest one now? A I don't know, probably 19 or 20.
Q Is Carrie married? A Yes, sir.
Q How long has Carrie been married? A I don't know.
Q About how long, four or five years? A No, not that long.
Q Well to the best of your judgement how long has she been married? A She has been married a year or a year and a half.
Q Was she married in Kansas? A Yes in Kansas.
Q Is she living in Ft. Leavenworth? A Yes, sir.
Q Is Mamie married? A No, sir.
Q Who is she living with? A She is with my sister.
Q They never lived in the Cherokee Nation? A No, sir.
Q You married their mother in Leavenworth? A Yes, sir.
Q What year? A I can't tell you, them days we never kept no dates.
Q The mother of these girls though had been married before? A No.
Q She never had been married? A No, sir.
Q Didn't one of your witnesses testify that you had married a widow woman? A That is the woman now.
Q Your present wife is a widow woman? A Yes, sir.
Q And these two children were born in Ft. Leavenworth Kansas?
A Yes, sir. Q
Q The mother of them was here? A No, sir.
Q Well did you live with their mother until her death? A No,

I didn't live with her I was back and forth in the nation.
 Q Were you regularly married to this woman of these children by a minister? A When we was married we never got a license.
 Q Just took her for your wife? A No, we stood up and were married by a colored man in Ft. Leavenworth.
 Q Do you mean to tell the Commission now under oath you didn't have to get a license in the state of Kansas at the time you married the mother of these children? A We were married by a colored man named Dennis Jackson.
 Q Well you would know if you got a license? A Yes.
 Q You never got a clerk to get one? A No, sir.
 Q And this eldest child is married and living there and never lived in the Cherokee Nation, she is living there now is she? A Yes.
 Q The mother died in Ft. Leavenworth? A Yes, sir.
 Q When did she die? A I don't know, I nearly forget.
 Q When Mamie was two years old? A Carrie was two or three.
 Q How old was Mamie? A She was not more than one or one and a half.
 Q Which is the eldest? A Carrie.

EXAMINATION BY THE COMMISSION:

Q You say that Carrie never lived in the Cherokee Nation?
 A No, sir. After she got big enough to go to school I sent her to school there.
 Q She never had been down here to live before that? A No, sir.
 Q Then she has always lived in Kansas? A Yes, sir.
 Q These are the children of the wife you married in Kansas? A Yes.
 Q The one who died in Kansas? A Yes.
 Q And these children never were here? A Only when Carrie come down, she come down on a visit several times.
 Q She come down here on a visit? A Yes, sir.
 Q Then Carrie and Mamie have always lived in the state of Kansas?
 A Yes, sir.
 Q These are the only children you have made application for? A These are the only children.
 Q And their mother is dead? A Yes, sir.
 Q You have another wife now? A Yes, sir.

EXAMINATION BY MR. BULGER:

Q When was you married to this first woman Ben is? A Well I will tell you I can't tell what year I don't know the dates you know about anything only we were married.
 Q Was it before you worked on the construction of the Katy railroad in '91? A No, it was way after that, I can't tell what year it was now.

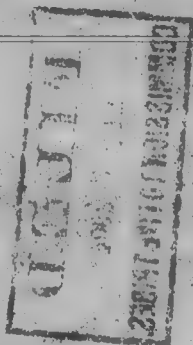
WITNESS EXCUSED.

Opal Briggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 22nd day of November, 1904, and that the above is a true and correct transcript of her stenographic notes thereof.

Opal Briggs

Subscribed and sworn to before me this 1st day of December, 1904.

W. H. Campbell
Notary Public.



Cherokee Freedmen D 641.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the enrollment
of Dennis Vann et al., as Cherokee Freedmen.

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D E C I S I O N.

The record in this case shows that on June 10, 1901, Dennis Vann appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of himself and (minor) children, Carrie and Mamie Vann, as Cherokee freedmen. Further proceedings in the matter of said application were had on October 10, and November 22, 1904, at Muskogee, Indian Territory. Copies of the testimony taken at various times and places in re application of Tobias Bean et al., for enrollment as Cherokee freedmen, are filed herewith and made a part of the record herein.

The evidence in this case shows that the principal applicant, Dennis Vann, was the slave of a Cherokee citizen at the commencement of the rebellion, that during said rebellion he removed from the Cherokee Nation, but returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs the Cherokee nation et al., for the return of Cherokee freedmen to said Nation, and, except as below noted, has since continuously lived therein. During the interval between the years 1875 and 1890, said applicant, Dennis Vann, resided during a part of the time, outside the limits of the Indian Territory, but it is not considered that his right to citizenship in the Cherokee Nation was forfeited thereby.

The evidence further shows that the applicants, Carrie and Mamie Vann, were born in the state of Kansas, have continuously resided therein since birth, and are the children of the said Dennis Vann and one Charlotte Vann, deceased, a non-citizen of said nation. In this connection attention is called to the fact that the evidence strongly indicates that the two first above named applicants are the illegitimate offspring of the last above named applicant and the said Charlotte Vann, deceased, which, if true,

brings them within the ruling of the Department in the case of Ellis Grinnett et al., where it was held that an illegitimate descendant, whose father is borne on the Cherokee Authenticated tribal roll of 1880, is not entitled to citizenship in the Cherokee Nation when it is shown that he has always resided with his mother outside the limits of the Indian Territory.

Attention is further called to the testimony of the principal applicant, Dennis Vann, in this, to-wit: that on June 10, 1901, he was fifty years old; that on the date of his marriage to the said Charlotte Vann, deceased, he was twenty-four or twenty-five years old; that the said Charlotte Vann died about four years after their marriage; that at the time of her death the ages of the said applicants, Carrie and Mamie Vann, were about two and four years, respectively; and, upon examination it is found that the Cherokee census roll of 1893 shows the said Carrie Vann to be, at that time, fourteen years old. Consequently, under section 4182 of the "General Statutes of Kansas", which provides,

"The period of minority extends in males to the age of twenty-one years, and in females to that of eighteen years."

said two applicants were on September 1, 1902, several years past their majority, hence, are within the ruling of the Department in the case of Ora E. Camp (I.T.D. 1418-03). And, in fine, it is considered by the Commission that after ample opportunity afforded, said applicants, Carrie and Mamie Vann, have failed to establish, by satisfactory evidence, their rights to enrollment as Cherokee freedmen, and that their application is clearly within the rulings of the Department in the cases referred to in the last paragraph of this decision.

Except that the name of Carrie Vann appears on the Cherokee census roll of 1893, neither of the said applicants, Carrie or Mamie Vann, can be identified on any roll of the Cherokee Nation in the possession of the Commission.

It is, therefore, the opinion of this Commission that Dennis Vann should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress below noted; and that, following the rulings of the Department in the cases of Eliza Bryant et al. (I.T.D. 844-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), and

Case No. 1 (H.L.D. 6088-04), the application for the enrollment of Carrie Vann and Hattie Vann as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 22, 1906 (34 Stat., 405), and it is so ordered.

COMMISSIONER OF THE FIVE CIVILIZED TRIBES,

SIGNED,

James Birby

Chairman

SIGNED,

T. B. Needles

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,

this

JUNE 6 1905

*at distance from
enrollment of them*

SIGNED,

U. R. Brackinridge

Commissioner

IN THE MATTER OF THE APPLICATION OF DENNIS VANN ET AL.,

FOR ENROLLMENT AS CHEROKEE FREEDMEN.

CHEROKEE FREEDMEN DOUBTFUL

§ 641.

MOTION TO DISMISS.

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The record in this case shows, that Dennis Vann, the principal applicant was enrolled as a Cherokee Freedman May 26th, 1906. (I.T.B. 5449-1906), that his daughters Carrie and Minnie were denied enrollment on same date, now for his cause of complaint, he states, that;

The Department erred in denying said Carrie and Minnie Vann.

The Department erred in deciding their legitimacy was in question,

The Department erred in deciding their legal domicile was without the Cherokee Nation.

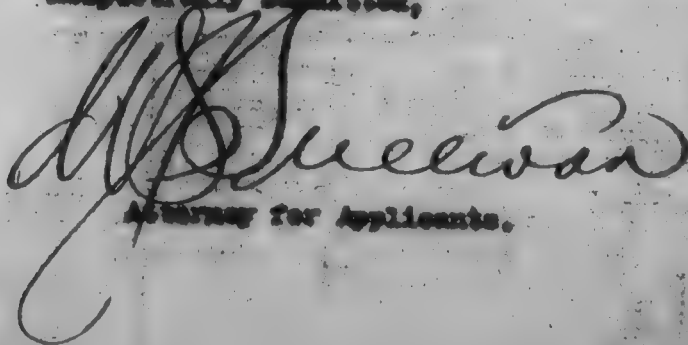
The Department erred in deciding that the domicile of the parent did not establish the domicile of the minor, or infant.

"An infant cannot of his own accord change his domicile,
"but it changes, while the father is alive, with the
"domicile of the father,-----"

A. & H. M. of Law, Vol. 5

From the foregoing assignments of error a rehearing is asked,
that a full and complete investigation of the law and the facts be had

Respectfully submitted,


Attorney for Applicants.

IN THE MATTER OF THE APPLICATION OF DENNIS VANN ET AL.,
FOR ENROLLMENT AS CHEROKEE FREEDMEN.

GEORGE FRANKMAN HOUTFOL

§ 642.

MOTION TO ENROLL.

Comes now Dennis Vann, who being first duly sworn upon his oath doth say, that is an approved citizen of freedmen blood, of the Cherokee Nation, that he is the father of Carrie and Mamie Vann, that Carrie is his lawful daughter by a former wife Charlotte, and Mamie is his lawful daughter by a former wife Lina (Eliza).

Signed Dennis Vann

United States Court.

Western District.

Indian Territory.

Subscribed and sworn to before me this 27th day of
July 1906.

Signed J. S. Martin

Notary Public.

My Commission expires

August 17th 1908.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Dennis Vann, et al'

641

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

Chm R

COMMISSIONERS:

TAMM HIXBY,
THOMAS E. NEEDLES,
C. E. BRACKENRIDGE

WM. C. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR, Cherokee Freedmen
COMMISSION TO THE FIVE CIVILIZED TRIBES. D-641.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 9, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental
testimony taken at Muskogee, Indian Territory, on October 15,
1904, in the matter of the application for the enrollment of
Dennis Vann, et al., as Cherokee freedmen.

Respectfully,



Chairman.

Incl. S-70.

COMMISSIONERS:
TAMM RIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. REALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

D-641

ORDER IN REPLY TO THE FOLLOWING: Cherokee Freedmen D-641.
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ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of Dennis Vann, and rejecting the application for the enrollment of Carrie and Mamie Vann as Cherokee freedmen, Commissioner C. R. Breckinridge dissenting in so far as said decision grants the application for the enrollment of the said Dennis Vann.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 2-108,


Chairman.

LAND:
47217-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

June 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Dennis Vann for himself and his minor children, Garrie and Mamie Vann.

June 16, 1905, the Commission decided favorably to Dennis Vann and adversely to the other applicants - Commissioner Brockmire dissenting to the enrollment of any of the applicants.

The record shows that Dennis Vann was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war he removed from the Cherokee Nation; and returned thereto on or before February 11, 1867. It is further shown that the minor applicants are the children of Dennis Vann and one Charlotte Vann, deceased, a non-citizen of the Cherokee Nation; that they were born in the State of Kansas and have continuously resided in that State; that it is not established that they are the legitimate offspring of the principal applicant and after ample opportunity they have failed to establish their

-2-

right to enrollment as Cherokee Freedmen.

In view of the record the approval of the Commission's decision favorable to Dennis Vann and adverse to the other applicants is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

M.H.M.
V.

-COPY-

DEPARTMENT OF THE INTERIOR,

J.W.H.

D.O. 22197.
I.T.D. 7942-1905.

WASHINGTON.

THE.

Y.P.

May 28, 1906.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On June 16, 1905, the Commission to the Five Civilized Tribes forwarded the record in the matter of the application of Dennis Vann for the enrollment of himself and his children, Carrie and Mamie Vann, as Cherokee freedmen. By a majority vote rendered June 16, 1905, Commissioner Breckinridge dissenting, the Commission found that Dennis Vann was entitled to enrollment. The decision of the Commission of the same date was unanimous to the effect that the other applicants herein should be denied enrollment.

Reporting in the matter June 26, 1905, the Indian Office recommended that the decision favorable to Dennis Vann and adverse to the other applicants, be approved. A copy of its letter is inclosed.

The Department concurs in the recommendation of the Indian Office. It is evident that Dennis Vann was the slave of a Cherokee citizen; that he returned to the Cherokee Nation within the time prescribed by the treaty of 1866, and that he has continuously maintained a legal residence therein ever since.

Concerning the other applicants, the Department is not well satisfied that its decisions relative to the Ellis Grinnett and Ora Camp cases are wholly applicable to this case, or that they should govern in the disposition of it; nor is it considered that section 4162 of the General Statutes of Kansas, to which the Commission refers, should be relied upon to determine when the minority of said applicants ceased. It does appear, however, from the preponderance of evidence, that Garvie and Mamie Vann became of age, according to the Cherokee law, prior to September 1, 1908, while absent from the Cherokee Nation; that such absence has since continued and still continues; that since becoming of age they have done nothing whatever toward identifying themselves with the Cherokee Nation; nor does it appear that at any time prior thereto were they identified in any way with the nation, except through such constructive residence as they may have had through their father. Under such circumstances, it is considered that even if it can be admitted that they were Cherokee citizens at the time when they became of age, they voluntarily forfeited such citizenship.

For the reasons stated, the decision in favor of Bennie Vann and adverse to the other applicants is hereby affirmed.

Respectfully,

James H. Wilson,

Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D 641.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 9, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the
Commission to the Five Civilized Tribes, dated June 16,
1905, granting the application of Dennis Vann, and rejecting
the application for the enrollment of Carrie and Mamie Vann,
was affirmed by the Secretary of the Interior, May 28, 1906.

For your information there is enclosed herewith
copy of Departmental decision referred to.

Respectfully,

M.A.
Encl. A-96.


Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington.

J.W.H.
FEB.

D. C. 29332.
I.T.D. 11112-1906.

July 7, 1906.

L R S

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of your report of June 6, 1906, returning a motion for review filed by attorneys Blue and Bulger and McGowan and Serven in the Cherokee freedman case of Dennis Vann, et al. You recommend that this motion be denied.

For the reasons set forth by you, in which the Department fully concurs, the motion referred to above to reopen said case, is hereby denied.

Respectfully,

(Signed) Jesse H. Wilson
Assistant Secretary.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F. D. 641

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 20, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

For your information there is inclosed herewith a copy of Departmental letter of July 7, 1906, in which the motion filed September 7, 1905, for a review of the Cherokee Freedman Enrollment Case of Dennis Vann et al is denied.

Respectfully,

Commissioner.

JEM

Inc. M-47

K.S.M.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C. 6905-1907
I.T.D. 598-1907.
L.R.S.

January 25, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On May 28, 1906 (I.T.D. 5449), Dennis Vann, the principal applicant, was enrolled as a Cherokee freedman, and his daughters, Carrie and Mamie Vann, were denied enrollment on the same date.

On July 27, 1906, a motion to reopen said claim for enrollment was filed by the attorney for the applicants. Proof of service of a copy of said motion on the attorney for the Cherokee Nation forms a part of said record.

The motion states that the Commission did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in article 9 of the Cherokee treaty of July 19, 1866, against the consideration of the reasons why a Cherokee freedman was not in the nation prior to February 11, 1867, and "the records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1878."

On May 28, 1906, the Department affirmed the decision of the Commission to the Five Civilized Tribes, favorable to the

principal applicant and adverse to his children, Carrie and Mamie Vann.

The records in this case show that Carrie and Mamie Vann forfeited whatever right they had to enrollment as Cherokee freedmen by their residence outside of the limits of the Cherokee Nation; nor does there appear to be any question of fact or law presented which was not originally considered which would justify a modification of the findings in this case.

Your office recommended that the motion for reopening in this case should be denied, which recommendation was concurred in by the Indian Office.

The Department also concurs and the motion filed in this case is denied.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Through the Commissioner
of Indian Affairs.

Thos Ryan
First Assistant Secretary.

7 inc. to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee F

R 807.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee freedmen enrollment case of Carrie Vann, et al., filed by their attorney, W. J. Sullivan, Muskogee, Indian Territory was denied by the Secretary of the Interior, January 25, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. HJ-88.
HJC

Commissioner.

Cher Fr D 642

Cher Fr D 642

To be filed with the case of Gertie Freeman, S. F. D. 643.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T. June 7, 1901

In the matter of the application of Nat Gray for the enrollment of his wife Louisa Gray, as a Cherokee freedman, he being sworn and examined by Commissioner O. R. Breckinridge, testified as follows:

Appearances:

Mallett & Smith, for applicant
J. S. Beyerly for Cherokee Nation.

Q Give me your full name? A. Nat Gray.
Q How old are you? A. 46.
Q What is your post office? A. Goodys Bluff.
Q In what district do you live? A. Gwosscowee.
Q Do you want to be enrolled as a Cherokee freedman? A. I want to enroll my wife.
Q Do you claim as a Cherokee freedman by intermarriage? A. Well I didn't marry her by this law.
Q Did you get a Cherokee license? A. No, I didn't get a Cherokee license.
Q You don't care to apply for yourself? A. No, just my wife.
Q Have you any children? A. I haven't any; she has got two.
Q They were born before you married her? A. Yes sir.
Q Then you would like to apply for her and these two children? A. Yes sir.
Q They are your step-children? A. Yes sir.
Q Give me your wife's name? A. Louisa Gray.
Q How old is your wife? A. 38.
Q When were you and she married? A. We married—I don't remember the date.
Q About how long ago? A. About five years ago.
Q Give me the name of her father? A. Steven Davis.
Q Is he dead? A. Yes sir.
Q How long has he been dead? A. I don't know exactly; he has been dead a good while.
Q Give me the name of her mother. A. Her mother is named Eda.
Q Is she dead? A. She is dead.
Q How long has she been dead? A. She has been dead quite a while.
Q You don't know how long? A. Before the war.
Q Well how many times was your wife married before she married you? A. I don't know how many times. She has this girl's father once upon a time.
Q What was your wife's name when you married her? A. Her name was Lou Carter. She had another man named Carter.
Q Was he the father of this daughter? A. No sir, he ain't the father of this daughter.

Mary Watie, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A. Mary Watie.
Q Are you a daughter of Lou Gray? A. Yes sir.
Q You have made your application have you? A. Yes sir.
Q How many times has your mother been married? A. She has been married twice.
Q Including this marriage to this man? A. She was married once.
Q And then once before? A. Yes sir, since the war.
Q I am talking about all her life? A. Yes sir, that was all.
Q What was her first husband's name? A. Robert Carter.
Q Was Robert Carter a Cherokee freedman? A. Yes sir.
Q Is he dead? A. Yes sir.
Q She was never married before she married Robert Carter, was she? A. No sir.
Q Was Robert Carter dead when she married this man? A. Yes sir.
Q Now your mother is deaf, isn't she? A. Yes sir.
Q And she can't hear anything? A. No, she can't hear much; she can talk awfully loud.
Q Was your mother a slave in the Cherokee Nation when the war broke out? A. Yes sir.
Q To whom did she belong? A. To Mr. William Davis.
Q Was he a well known Cherokee citizen? A. Yes sir.

Q Where did he live, do you know? A. In Flint, they say, I am not certain.

Q Is your mother on the roll of 1880? A. No sir.

Q Where was she during the war? A. I don't know; she is here.

Q How old are you? A. I am 45.

Q Do you remember anything about the war? A. No sir.

Q Where were you the first you can remember? A. Here.

Q In the Cherokee Nation? A. Yes sir.

Q Whereabouts? A. On Big creek with my father.

Q To what did Robert Carter belong, do you know? A. No sir.

Q Are you on the roll of 1880? A. No sir.

Q How long since your mother married this man? A. About nine years I count it.

(Commissioner of applicant) Nat Gray, you say your wife was got two children, step children of yours? A. Yes sir.

Q Give me their names? A. Mary.

Q How old is Mary? A. 45.

Q Why can't Mary apply for herself? You don't want to apply for grown up children. You said your wife had some children to apply for, who are those two children stepchildren you want to apply for? A. It is the old lady's grandchild, Gertie.

Q Give me the names of these two children you are talking about? A. Mary.

Q How old is she? A. 42.

(Commissioner) Well dismiss her finally from this case as she must apply for herself.

Q What is the name of the next child of your wife? A. Gertie.

Q How old is Gertie? A. She is 22.

(Commissioner) She must apply for herself; don't talk about her anymore.

Q Then you only want to apply for your wife? A. Yes sir my wife.

Q You said something about grand children a while ago? A. That is what I am speaking about, Gertie is one of her grandchildren.

Q How old is Gertie? A. She is 22.

(Commissioner) She must apply for herself; then we rule it all out.

(Commissioner of Mary Watie) When did your mother marry Carter? A. Twelve years ago I think.

Q What was her name before that? A. Ross.

Q Did she ever go by the name of Davis? A. Yes sir.

The 1880 authenticated roll and the 1886 census roll examined and the name of the applicant's wife not found thereon.

Q Did your mother draw Cherokee strip money? A. No sir.

The Kern Clifton roll examined and the name of the applicant's wife not found thereon.

The Wallace roll examined and her name is found on page 106, No 2500, Louisa Carter, Cooweescoowee district.

Mr. Hallette of Mary Watie: Where were you living when you can first remember? A. On Big creek.

Q And you say you are 45 years old now? A. Yes sir.

Q Who were you living with? A. I was living with my father.

Q Where was your mother at that time? A. She went down to Fort Gibson.

Q That is this applicant? A. Yes sir, and she left me up there.

Q When did you next see your mother then? A. I seen her in about three months.

Q Where has she lived since you first remember? A. Always here.

Q In the Cherokee Nation? A. Yes sir.

Q Where? A. On Big Creek.

Q Well do you remember of being out of the Nation during the war yourself? A. No sir.

(Commissioner) How long has your mother lived in the Cherokee Nation as far as you know? A. All my life.

Q All your life as far as you know? A. Yes sir.

Q You have never known her to live anywhere else? A. No sir.

(Mr. Hallette) What was her name when you can first remember? A. Louisa Ross.

Q What was the man's name that she lived with? A. Robert Ross.

(J. S. Davenport) Were you ever known by the name of Mary Watie? A. Yes sir.

John Landrum, being sworn and examined by Commissioner Breckinridge testified as follows:-

Q Give me your name? A John Landrum.

Q How old are you? A. I am 59.

Q What is your post office? A Haydens

Q How long have you lived in the Cherokee Nation? A All my life; was raised here.

Q Are you on the 1880 roll? A Yes sir.

(Mr. Mellette) John, do you know Louisa Gray, the applicant in this case? A Yes sir.

Q How long have you known her? A. I have been knowing her about thirty years or more.

Q Did you know her during the war? A. Yes sir, that is the time I got acquainted with her.

Q Was she a slave in the Cherokee Nation? A Yes sir, she was a slave.

Q Who was her master? A. Dr. Baylis they called him.

Q Where did they live? A. They lived in Flint

Q Was he a Cherokee citizen? A. His wife was.

Q Cherokee citizen of the Nation? A. Yes sir.

Q Do you know whether Louisa Gray was out of the Nation during the war or not? A. No sir, not until they carried us out of here.

Q Did she leave the nation during the war? A. Yes sir

Q When did she return to the nation after the war? A. She come in '66, in the winter like.

Q In the winter of 1866? A Yes sir.

Q Well where did she come to? A. T Big Creek; that is where I seen her

Q That is where you saw her? A. Yes sir.

Q With whom did she come? A. With Hector Ross.

Q Well did they live there after they come there in '66? A Yes sir.

Q Did you live there? A I lived on Lightning creek.

Q Where has she lived since that time since you saw her in '66 on Big creek? A Well she lived up and down the Creek there.

Q Has she lived in the Cherokee Nation all the time since then? A Yes sir, I never have known her to be out.

(J. S. Davenport) Q Where were they living when the war broke out, Uncle Jack? A. They lived in Flint I suppose.

Q Do you know where they were living? A. In Flint I tell you. I dont know exactly, but that is where they come from.

Q Do you know where they went during the war? A. They went in Kansas during the war.

Q Do you know whether or not they returned to the Cherokee Nation with all their children? A Two.

Q What were their names? A. Mary.

Q Did they come back to the Cherokee Nation the same time Mary come? A Yes sir.

Q Did Mary go with them to Kansas? A. Yes sir, she was a child; a small thing.

Q Who else was with them that you know of? A A whole lot of them, a brigade of soldiers; I couldn't tell you who all.

Q Did they locate on Big Creek when they first came from Kansas? A Yes sir, they were living there when I saw them.

Q Do you know whether or not they ~~were~~ had come directly from Kansas to Big creek? A. I suppose they did.

Q Do you know whether or not they have lived at Webbers Falls in that country, since they came back? A. I dont know anything about that part of it.

Q Mary was known as Mary Watie, wasn't she? A. I dont know; she wasn't to my knowing.

Q Do you know any of the other children's names? A. I forgot the other name.

Q Was there one named Rufus? A No sir.

Q Maggie? A. No sir, she didn't have but two children, and they were girls; the others I dont know anything about it.

Q Did they have any relatives named Mary Thompson? A. No sir, I couldn't tell you.

Q You just remember of seeing the family on Big Creek in '66? A Yes.

I saw them there.

Q Did this woman have a husband at that time? A. Yes sir, at Big creek.

Q What was his name? A. Hester Ross.

Q Was she and Hester Ross married when the war broke out? A I suppose so I couldn't tell you anything about that.

Q How do you happen to remember that they were there in the winter of '66? A Why because everybody said it was.

Q Who lived up there on Big creek at that time? A. A good many people was there; just what is there.

Q Give me the name of some one that lived there at that time? A Peter Hudson, Jack Starr.

Q Did Albert Morris live there at that time? A No sir, I didn't see Albert Morris.

Q Did anybody by the name of J. M. Bell figure with these people at that time? A. I don't know; I will tell you the truth about it.

Q Where was Harrison Thompson at that time? A. I don't know him by that name.

Q You never knew a man by that name? A. No sir, I don't know him by that name.

Q Are you positive you saw these people up there in '66? A Of course I did.

Q Don't you know these people first came to Webb's Falls where Mr. Davis and his family returned? A. If they did I don't know.

Q Joel Soles and all these fellows were there with them? A. No I don't know.

Q You really don't know they were slaves of Mr. Davis, do you? A. They said they did.

Q Do you know? Are you telling what the dead husband said about it? A No sir, not the dead husband.

Q Or what Gray said about it? A No, Gray didn't say so.

Q Who was it that they belonged to, Dr. Davis? A Steven Davis, her father (Mr. Mellette) Was Steven a Cherokee? A No sir, he was a colored man.

Dave French, being sworn and examined by Commissioner Brookings, testified as follows:

Q Give me your name? A. Davis French.

Q How old are you? A. 73 years old.

Q What is your post office? A. Lenapah.

Q How long have you lived in the Cherokee Nation? A. Well ever since they came here, I come with them from Tennessee.

Q That was when? A When the emigrants come in the spring of '38.

(Mr. Mellette) Dave, do you know Louisa, the woman who is now called Louisa Gray? A. Yes sir.

Q Used to be Louisa Sartor? A. Yes sir.

Q Louisa Ross? A. Yes sir.

Q Do you know when she returned to the Cherokee Nation after the war? A No sir.

Q Do you know who owned her? A. Yes sir.

Q Who? A. John Davis.

Q Was he called Dr. Davis some time? A Yes sir, Dr. Davis, and his oldest son was John Davis.

Q Where did they live? A. They lived in Flint.

Q Well how long have you known her since the war—where did you first meet her after the war? A. I don't know when I first met her.

Q Where has she lived since the war? A. She has lived up on Big creek.

Q Well has she lived up there a good while? A. Yes sir, she has been there a good while.

Q About how long—when can you first remember of her being there? A Well I don't exactly know; it has been a long while ago; I don't exactly know.

Q How long after you come back after the war was it before you saw her? A I saw her up there when I first moved up on the river. It has been 20 or three years I reckon; something like that.

Q When did you first move up there? A Yes sir, when I first moved up there.

The applicant applies for his wife. He makes no application for himself as he is a state man and did not marry his wife under a Cherokee license; he is 56 years of age. It is claimed that she lived in the Cherokee Nation all her life, except during

the period of the war and some time thereafter. She is identified on the Wallace roll, but not upon the roll of 1890, or upon the Kern Shifren roll, or upon the roll of 1890; she is said to be very deaf and unable to submit an examination in her own behalf. For the further consideration of the testimony, she will now be listed for enrollment as a Cherokee freedman on a doubtful card, and the final decision will be made known to her at her post office address.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. S. Rothberger.

Subscribed and sworn to before me this 11th day of July, 1901.

(Signed) T. B. Needles

Commissioner.

SUPPLEMENTAL D 399

Department of the Interior,
Commission to the Five Civilized Tribes
Nowata, I. T. June 27th 1901.

In the matter of the application of Louisa Gray for enrollment as a Cherokee freedman; Bass Harlin, being sworn by Commissioner Needles, testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for the applicant:
Mr. Davenport, for the Cherokee Nation

(By Mr. Smith)

- Q State your name? A. Bass Harlin.
- Q Where did you live? A. Tahlequah town.
- Q In the Cherokee Nation? A Yes sir.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q How old are you? A. About 65. It must be that, maybe more.
- Q Do you know Lou Gray? A. Yes sir, I know her, I am well acquainted with her.
- Q Do you know her daughter Gertrude? A. Yes sir.
- Q You know this young man, Ose Freeman, who sits here? A No sir, I am not so well acquainted with him.
- Q You know him though? A. Yes sir I know him.
- Q You know whether he married Gertrude, daughter of Edar? A No sir, I do not know.
- Q You know do not know that of your own knowledge? A. No sir.
- Q The daughter of Edar Harlin? A. No sir, I don't know.
- Q Now who is Edar Harlin? A. That's my grand daughter.
- Q Did you and Lou Gray ever live together? A. Yes sir.
- Q When? A Before the war.
- Q Were you a slave? A. Oh yes sir.
- Q Whose slave were you? A. Eliza Harlin.
- Q Was Lou Gray a slave? A. Yes sir.
- Q Whose slave was Lou do you say? A. She was a slave of Mr. Jim Hays.
- Q How far did she live from you? A It was a short mile, as well as I can place it.
- Q How long did you and she live together in slave times? A Maybe two or three years.
- Q Did she have any children by you? A. Just one, she had 2, but the old-

out one wasn't mine.

Q Was the one that was yours a girl or a boy? A. A girl.

Q You know where Lou Gray is living now? A No sir, I do not know where she is living.

Q When was the one, the child she had by you born? A. Before the war, I lived with her before the war.

Q What was the name of that child of yours and Lou's? A Mr daughter?

Q Yes, your daughter? A I sort of forgot the name, I sort of forgot the name.

Q Would you know it if you heard it? A. Yes sir, I would.

Q Was it Edart? A. Yes sir, that's it; I sort of forgot it.

Q You haven't lived with this woman Lou Gray, since the war, since slavery time? A No sir, no sir, no sir, I haven't lived with her since the war; since we was taken apart, no more.

Q When were you and Lou taken apart? A. Just when the war broke out or not.

Q And you and Lou never lived together no more? A. No sir.

Q How old was this child of yours and Lou's, Edart, at that time, when you were separated, you and Lou? A It was just an infant, I don't know how to all it, but then she was in a nighty, she was very lusty, she didn't go many days when her master took her off, Mr. Mayn.

Q How small a child was this girl Edart when you and her and her Lou separated? A I am just giving you my best judgment, when we was first separated she was just standing up.

Q Was she a year old? A. The child? A.

Q Yes? A It wasn't born yet; that's my grand-daughter's mother, no sir, she was just as lusty as she could be, just was standing up and that was all.

Q You mean the mother was just standing up? A No sir, I don't know how to place it to you all, yes sir, I claimed her as a wife, I just lived with her only as my wife.

(By Mr. Hastings)

Q She lived with Lou and she lived with you? A Yes sir.

Q You lived how far apart? A. Just about a short mile.

Q This girl wasn't born yet, and this girl is the child of your? A No sir.

Q When they went off from there? A. No sir, when I was right on the other side—

Q You have never seen her since the war? A. No sir.

Q You went one way and she went the other? A. Yes sir.

Q You don't know of your own personal knowledge whether it was ever born?

A Just her evidence, and she placed the child Corrie before me.

Q But you didn't see the child at all? A. No sir, I never seen the mother of my grand child at all.

Q You never did see the mother of your granddaughter? A No sir.

Q Or, in other words, you never saw your own child, if that was your child? A. Corrie?

Q Corrie's mother, Edart? A No sir.

Q She wasn't born? A No sir.

Q She wasn't born when you separated from your wife? A No sir.

Q That's what you mean to say, she wasn't born? A No sir.

Q How many children had this woman here before then? A. Just one, but it wasn't mine.

Q It was somebody else around there in the country? A. No sir, I don't know sir, don't give me that word, I don't know sir; she may have had a husband, I don't know.

Q You went up there and lived like slaves lived at that time? A. Yes sir, lived public right there.

Q And some other fellow had been living with her before and she had a child by him? A. Yes sir, I will answer you; it was a laughing matter.

Q Did you ever have any children before slave time? A. No sir, that was all.

Q That is all? A. Yes sir.

Q Were you regularly married after the war? A. Yes sir.

Q Is Charlotte your child? A. Yes sir, I was regularly married after the war, Charlotte is my child. Charlotte was born after the war started in '44.

Q When were you married to her mother? A Well this woman I had her before the war.

Q But your regular wife, what did you get hurt? A Oh way in time of the war, what matter took me off?

Q About the beginning of the war? A. No, they was fighting yet.

Q Well '62 or '51 A. Well you knows best; I dont know, I cant recollect you know, and can't keep up with your law, but I will give you the best of my knowledge, you want the truth and I am going to give you the truth

Q You dont know who was the father of this other child of that woman?

A No sir, I dont know.

Q It wasn't you? A. No sir, it wasn't me, Mr. Hastings.

(By Mr. Smith)

Q Did you ever see Edar, the mother of Gertie, after you come back after you and your wife were separated? A. No sir, I never saw her.

Q What did you mean awhile ago when you said that she placed her before you; what did you mean by that? A It was my grand child, Gertie, this young man's wife.

Q Whose wife? A. Mr. Freeman's wife.

Q Well now go ahead and tell what you started to tell? A It was Gertie that she showed me, placed it before me, as my daughter's child.

(By Mr. Hastings)

Q When was the first time you ever saw Gertie? A. It was after I got back it was about three years.

Q Age? A. Oh no, after I was set at liberty, freed.

Q But this is your grand child, supposed grand child, this man's wife, when did you see her first? A. Well that's what I a, telling you.

Q About three years after the war? A. Yes sir,, let me see, her granny, I found them at Fort Gibson in the first place and the next place I went over to Muskogee with my grand child and its granhy.

Q How long after the war was it you saw this man's wife first? A. About three years.

Q After the war? A. Yes sir.

* I mean this applicant's wife, Gertie, when ~~she~~ is the first time you ever saw her after the war? A. Oh, she was a small infant.

Q About how long after the war? A I cant place how long it was, you see my recollection— I am just straight with you, I cant tell you, I might state a certain time and I might tell a lie.

(By Mr. Smith)

Q Who are you talking about seeing shortly after the war, your own child or the grandchild? A. The grand child.

Q How could you have seen it, the grand child, when it was not born? ~~When~~ see you say the mother of this child was born— A. Stop, stop, let me help myself, I am nothing but been a slave.

Qem'r Needles— Take your time and dont get rattled, sit and think a little.

A Yes sir, yes sir, its granny raised the child Gertie, and while she was raising it I saw it; I saw this man's wife.

Q Now when was that? A. Well that was when it was small, after she has got back here I guess, I can place it about three years I guess afterwards.

(By Mr. Hastings)

Q After the war? A. Yes sir, after I got back; the old lady, Louisa was raising the child, and that's the way I saw her.

Q What child was it Louisa was raising? A. Grand child.

Q Where was your child, the one you had by Louisa? A She was dead then my daughter, she was dead.

Q Where was it you saw your grand child? A. Right in Muskogee.

Q About how long ago has it been? A When I saw her it was about three years after I got back in here.

Q About three years from when? A. All I can tell you after I was freed and got back.

Q Well I dont think you know? A. Well if I dont know nobody else dont know.

M. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported and recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. B. Green.

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FILED
COMMISSION TO THE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

July 10, 1901.

~~RECEIVED~~

RECEIVED

T. D. Needles,
Commissioner.

I, C. S. von Meise, state under oath that the above is a true copy of the original.

Chas. Miller

Subscribed and sworn to before me this 20th of August, 1901.

[Signature]

Notary.

Subscribed and sworn to before me this 20th day of August, 1901.

(Signed) F. H. [illegible]

[illegible]

I, [illegible], state upon my oath that the above is a true copy of the original.

Subscribed and sworn to before me this 20th of August, 1901.

Chauncey [illegible]

[Signature]

[illegible]

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Shalson, I. T. June 18th 1901.

In the matter of the application of the Freeman for the enrollment of his wife Sertie Freeman as a Cherokee Freeman; he being duly sworn by Commissioner O. R. Brockinridge, testified as follows:

Q What is your name? A. The Freeman.
Q How old are you? A. 34.
Q What is your post office? A. Hayden.
Q Who do you want to enroll at this time? A. My wife Sertie.
Q You apply only for your wife now? A. Yes sir.
Q And her name is Sertie Freeman? A. Yes sir.
Q How old is your wife? A. 22 years old.
Q How long has she lived in the Cherokee Nation? A. All her life.
Q Do you claim that she is a freedman in her own right? A. Yes sir.
Q Give me the name of your wife's father? A. I don't know it.
Q Can you give me the name of your wife's mother? A. Edie.
Q Edie what? A. I don't know.
Q Is she dead? A. Yes sir.
Q Her mother's name was Edie something? A. Yes sir.
Q But you don't know what? A. No sir.
Q Where is your wife? A. She is home but she is sick.
Q What was the name of Edie's mother, if you know? A. Louisa Gray.
Q Do you know who was the father of this woman Edie? A. No sir, I don't.

MARY WATIN, called and sworn as a witness by Commissioner O. R. Brockinridge, testified as follows on the part of the applicant:

Q What is your name? A. Mary Watin.
Q How old are you? A. About 45.
Q What is your post office? A. Hayden.
Q Do you know the applicant here? A. Yes sir.
Q Do you know his wife? A. Yes sir.
Q What is her name? A. Sertie.
Q What was her name when he married her Sallendar.
Q Do you know the name of her father? A. No sir not his first name.
Q Do you know the name of her mother? A. Yes sir.
Q What was it? A. Edie Harlin.
Q Was Harlin her married name or her maiden name? A. Her maiden name.
Q Was this Edie Harlin a daughter of Louisa Gray? A. Yes sir.
Q This Edie Harlin is dead is she? A. Yes sir, been dead 32 years now.
Q Died when Sertie was a baby did she? A. Yes sir.
Q Who brought Sertie up after her mother died? A. I did, her mother died in my house and this Sertie was born there.
Q Do you know that this woman, Edie, the mother of Sertie, was the natural child of the person Louisa Gray? A. Yes sir I do for I had her the doing of raising her all the time.
Q She was this Louisa Gray's slave girl? A. No, John Maria.
Q Was he a well known Cherokee citizen? A. Yes sir.
Q Louisa Gray is alive is she? A. Yes sir.
Q How old is she now? A. She is about 80.
Q This woman Sertie, was she ever married except to this man? A. No sir.
Q Was she the first time she was ever married?
Q How long ago was that a long time? A. Yes sir.
Q How long ago was she married before this time? A. No sir, she was married

Question 3.

Q You would have known if he had been married? Yes, I would, but then these youngsters go on so fast that you can't tell much about them. They married and she came home nothing about it; he might have been married and he not know nothing about it, but if he did I never heard of it.

Q About how long ago since this man and his wife Bertie married? A Not full seven time.

Q This woman Louisa Gray, was she ever married to a man named Martin?

Q Yes sir.

Q Give me that man's full name? A Sam Martin.

Q Is he living now? A Yes sir.

Q When was he and Louisa married? A Before the war.

Q How long did they live together? A I can't tell nothing about that, just heard them talking about it.

Q Their child Edie, the mother of this woman Bertie, how old would she be now if she were living? A If she were living she would be about 18 now.

Q So that Sam Martin and Louisa Gray married back in slavery times?

Q Yes sir.

Q And the woman Edie is a child of that marriage? A Yes sir.

Q And Bertie is a child of Edie? A Yes sir.

Q Do you know if Edie came back to the Freedmen's Bureau with her mother Louisa after the war? A Yes sir they all came back together.

Q So that Edie's name would be the same as her mother's name? A Yes sir.

Q Was Louisa living with Sam Martin at that time? A No sir.

Q They had married? A Yes sir.

Q Where do you think Sam and Bertie? A Yes sir.

Q Do you know whether Sam Martin is living now or not? A Yes sir he is.

Q Where? A Somewhere near Fort Union, I suppose. I has never been to that place.

Q Do you know how old he is now? A I can't know anything.

Q Where did you know him? A Yes sir I guess so.

Q Do you know if Sam Martin belonged to any family? A Yes sir.

The 1850 Antislavery Bill of the Cherokee Nation provided and the name of the applicant's wife Bertie is not found therein.

The 1850 Census Bill of the Cherokee Nation provided and the name of the applicant's wife Bertie is not found therein.

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THE 1850 CENSUS BILL OF THE CHEROKEE NATION PROVIDED AND THE NAME OF THE APPLICANT'S WIFE BERTIE IS NOT FOUND THEREIN.

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THE 1850 CENSUS BILL OF THE CHEROKEE NATION PROVIDED AND THE NAME OF THE APPLICANT'S WIFE BERTIE IS NOT FOUND THEREIN.

By James Davenport, Cherokee Representative, of witness:

Q Did Hector Ross have anything to do with this family? A. Yes sir he brought them down here.

By Com'r Breckinridge,--

The applicant applies for the enrollment of his wife, to whom he was married last year. She was born in the Cherokee Nation; she is 33 years of age and she has lived in the Cherokee Nation all her life. A record of her is found on the Wallace roll, but it is deprived of the privileges of that enrollment, owing, as explained, to her having been born too late under the law or rule under which that roll was made. There appears to be no question of her having lived in the Cherokee Nation all her life, and of her having been the child of Edie Harlin, deceased some 22 years ago, and that Edie Harlin is the daughter of Louisa Gray, now living, and of Bass Harlin, now living, the daughter of a union between them in the days of slavery. The applicant's wife will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further evidence in her case there will be filed herewith a copy of the testimony taken in the case of her grandmother, Louisa Gray, on Cherokee Freedman Doubtful Card #500, and if this should not prove satisfactory, reference may be had also to the case of Bass Harlin.

The 1880 authenticated roll of the Cherokee Nation examined and thereon is found the name of Bass Harlin as follows: Page 768 No. 1014, Bass Harlin, Tahlequah district.

(Judgment continued)

The said Bass Harlin, it appears was in the days of slavery the husband of Certie Freeman's grandmother, and the father of her mother Edie Harlin; it also appears that the said Bass Harlin and his wife of that day, Louisa Gray now, were separated during the war, and Edie Harlin going with her mother Louisa Gray and becoming identified with her thereafter, and not with her father. It would remain to be determined whether Edie Harlin who is said to have returned to the Cherokee Nation with her mother Louisa Gray, came within the treaty prescribed by treaty, that of 1866, or in default of that, if she were a minor at that time, and if as such she acquired and was entitled to any rights through her father Bass Harlin, such as he actually acquired. The Bass Harlin cited in the testimony, requires to be further identified as the grand father of this child. The final decision of the Commission will be made known to the applicant or to his wife at their next office address.

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 1st day of June, 1901 at Nowata, K.T.

Chas. von Weiss

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cholosa, I. T. June 16th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Bertie Freeman
an Cherokee Freedman Beautiful card. 1047

Applicant present.

James Davenport attorney for the Cherokee Nation.

MARY WATKIN, re-called, having been sworn by Commissioner G. R. Breckinridge, testified as follows: (On the part of the applicant)

By James Davenport-

Q How old were you when the war broke out? A. I dont know I cant count.
Q Can you remember when the war broke out? A. No sir.
Q Can you remember or do you know of your own knowledge whatever personal
to yourself that Bass Harlin and his wife were living together as man
and wife during the war? A He sir only what I have heard.

By Mr. Davenport:

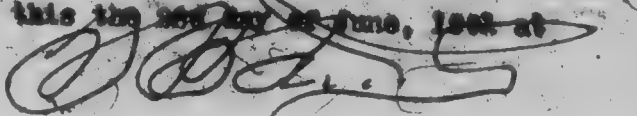
The representative for the Cherokee Nation now move
to strike out of the record all that portion of the testimony
which refers to Bass Harlin and Louisa Gray having lived to-
gether as man and wife prior to the war for the reason that
upon cross examination the witness admits that she knows
nothing of it whatever of her own knowledge and only from hear-
say.

By Comr Breckinridge-

It is shown in the judgment that his testimony is
only accepted as being of general family information and that
to be available as conclusive proof it would have to be sup-
ported by the direct testimony of competent persons now living.
Those competent to testify in this case would be particularly
Louisa Gray, the living grandmother of the applicant's wife and
Bass Harlin, presumably the living grandfather and the case
will for the present rest at this stage.

Chas. von Weiss, being sworn states that as stenographer to the Com-
mission to the Five Civilized Tribes he reported in full all the pro-
ceedings in the above case and that the foregoing is a full, true and
correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 26th day of June, 1901 at
Nowata, I. T.

Chas von Weiss


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Gertie Freeman for
enrollment as a Cherokee Freedman.

Supplemental testimony.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

~~Maryland~~ Maryland Beck, being duly sworn by Commissioner
Needles, testified as follows:

Mr. Mellette: What is your name? A Maryland Beck.

Q Where do you live? A Big Creek, Cherokee Nation.

Q Do you know Louisa Gray? A Yes, sir.

Q Do you know her daughter, Edy Harlin, this woman here? A Her
name is Mary.

Q Do you know Base Harlin? A No, sir.

Q Do you know Louisa Gray? A Yes, sir.

Q How many children has Louisa Gray? A Two.

Q What were their names? A Mary and Edy.

Q Did you know a girl by the name of Gertie Freeman? A Yes, sir.

Q Do you know what relation she was to Edy Gray? A She was Edy's
daughter, her child.

Q Do you know when Louisa Gray and her daughter Edy returned to
the Cherokee Nation after the war? A Why the first time I seen
them was in the fall of '66 on Big Creek.

Q You saw Louisa Gray and her daughter Edy in the Cherokee Nation
in the fall of '66 you say? A Yes, sir.

Q You know Gertie Freeman is the child of Edy Gray? A Yes, sir.

Mr. Hastings: Your name is Maryland Beck? A Yes, sir.

Q You went before the Bob Daniels Court in '71? A Yes, sir.

Q At Tahlequah? A Yes, sir.

Q And you applied for citizenship? A Yes, sir.

Q And they refused to admit you? A ~~Yes, sir.~~ He didn't refuse.
they told me to go back home.

Q They didn't put you on? A No, sir.

Q You are not on the 1880 roll? A I don't think that I am.

Q You have always been a disputed citizen? A Yes, sir.

Q Who did you go to Big Creek with? A I came to Big Creek with
John Baldridge.

Q John Cook? A Yes, sir.

Q He and you together? A Yes, sir.

Q Alone? A Yes, sir.

Q Who was living there when you got there? A There was a lot
of them.

Q State who? A Old man Webber and Peter Maign and the
Sanders.

Q Did they have houses? A They had two or three houses.

Q Did they have fields? A No, sir.

Q Abe Hays up there? A Why I don't know, Abe might have been.

Q Did you see Abraham Ward? A I don't know whether he was there.

Q Who was Lou Gray living with? A Living with a man named
Hester Ross.

Q How far was that from Snow Creek? A I guess it is 15 or 20
miles.

Q Living in a house with him, Lou Gray, at that time? A No, sir.

Q Where was she living? A They came to my place.

Q You were living there? A Yes, sir, living by Big Creek.

Q About how long had you been there? A I hadn't been there so
very long.

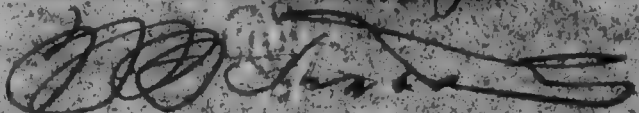
Q You had had time to put up a house? A Yes, sir, I had put up
a house.

U. S. A.

Q Was that in the summer? A No, sir, it was in the fall, later.
Q Was she alone with them? A There wasn't but just him and his
family, he had her and the two children.
Q Did they locate right there by you? A Stayed right in the
house with me.
Q How long did they stay there? A He only stayed there a week.
Q Where did he go from there? A I don't know, he went out from
there.
Q You never saw him for some time? A They left this oldest child
with my aunt.
Q What oldest child? A Mary.
Q Who had the other one? A They taken her with him.
Q And he left that neighborhood? A Yes, sir.
Q You remained there? A Yes, sir.
Q How how many years after that before you saw that woman again?
A Very sometime the next spring or summer she came back again
and got the other child.
Q Know where she was living then? A No, sir, I don't know.
Q Did she go back to Kansas? A I don't know where she went.
Q She didn't stay around in that neighborhood? A No, sir.

Bruce S. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Witness my hand and subscribed before me this 1st of July, 1901.



Commissioner.

COMMISSIONERS.
TAMM DIXIEY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-599-642.

Muskogee, Indian Territory, October 7, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There are herewith enclosed copies of testimony taken
before the Commission at Muskogee, Indian Territory, on September 28,
in Cherokee freedmen D-599, Louisa Gray, and freedmen D-642, Gertie
Freeman.

You are hereby advised that should you desire to submit
rebuttal testimony in these two cases you will be permitted to do
so before the Commission at Muskogee, on October 30, 1903. You will
be required to give the applicants fifteen days notice of the time
and place of submitting such testimony.

Respectfully,

Enc. D-49.

Chairman.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKNIDGES,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 21, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your two letters of October 15, protesting against the Commission's action in taking testimony at Muskogee, on September 28, in Cherokee freedmen D 599, Louisa Gray and Cherokee freedmen D 642, Gertie Freeman, and on October 5, in Cherokee freedmen D 977, Josiah Mayes and Cherokee freedmen D 981, David Mayes, the applicants in which cases had previously been notified to appear before the Commission at Vinita and who failed to appear in accordance with said notice.

Your letters will be filed with and made part of the record in the cases to which they refer.

Respectfully,



Commissioner in Charge.

Cher Fr D 643

Cher Fr D 643

Department of the Interior,
Commission to the Five Civilized Tribes,
Chalapa, I. T. June 10th 1901.

In the matter of the application of Jane Looney for the enrollment of her son HENRY LOONEY as a Cherokee Freedman, she being sworn by Commissioner G. R. Breckinridge, testified as follows:

- Q What is your name? A. Jane Looney.
Q How old are you? A. 37.
Q What is your post office? A. Centralia.
Q You want to apply for a son that is in prison you say? A. Yes sir.
Q Give me the name of your son? A. Henry Looney.
Q How old is Henry? A. 37.
Q Has he any family? A. No sir.
Q Where was he born? A. He was born between Springfield and the Missouri or Kansas line, I don't know which.
Q Was he born during the war or after the war? A. During the war.
Q Is he a son by your deceased husband Susan Looney? A. Yes sir.
Q Did you bring this child to the Cherokee Nation with you when you returned after the war? A. Yes sir.
Q When was he sent to prison? A. Last February.
Q To what prison was he sent? A. Columbus Ohio.
Q For how long a time was he sent? A. For life.
Q What was the offense that they sent him for? A. Killing his wife.
Q Where was he sentenced? A. At Vinita.
Q Did this wife leave any children? A. No sir.
Q Was she ever married before she married this man? A. No sir.
Q She had no children at all? A. No sir.
Q Was this man ever married before he married this woman? A. Yes sir.
Q How many times? A. Once.
Q Are there any children of that marriage? A. No sir.
Q Did this man draw Cherokee strip money? A. Yes sir.
Q Did he live in the Cherokee Nation from the time you came back here with him until he was sent to prison? A. No sir he would go out some of the time.
Q Where would he go and what would he do? A. I don't know.
Q At about what age did he begin to leave you and go out? A. I think when he was 18 years old.
Q When he began leaving you when he was 18 years old where would he go? A. I don't know where he would go.
Q The first time that he left you, how long did he stay? A. About three months.
Q Would he be gone after that for a long time? A. Yes sir, maybe a year or two years.
Q Didn't he tell you where he had been? A. No sir he never told me nothing.
Q Did he always make his home with you when he would return from one of these trips? A. Yes sir he was home a good deal until he married and went to himself with his woman.
Q How long ago did he marry the first time? A. I don't know just how long it has been.
Q How old was he when he married the first time? A. You will have to call these girls there for I can't count, I just don't know.
Q Have you any idea how long he led this roving life? A. I don't know how long he staid.

Next WHEATON, called and sworn as a witness for the applicant, testified as follows:

- Q What is your name? A. Ross Wheaton.
Q What is your post office? A. Wheaton.
Q Are you a neighbor of this Henry Looney? A. Yes sir.
Q How old are you? A. 30.

NY Leoney 2

- Q Do you remember when your brother Henry was first married? A. Yes sir.
- Q How long ago has it been? A. 3 years.
- Q Where has he lived ever since that time? A. He lived ———
- Q Has he lived in one place or traveled about since then? A. Traveled about.
- Q Would he be gone at times and you not know where he was? A. Yes sir.
- Q And then come home and visit? A. Yes sir.
- Q Did he have a settled home or farm? A. Yes sir he has a farm on Big creek.
- Q Did he stay there and make crops? A. He made about three crops.
- Q Is that all? A. Yes sir.
- Q Do you know where he was the balance of the time? A. No sir.

Applicant not found on the 1886 or 1896 rolls.

The Kern Clifton roll examined and the name of the applicant found as follows:

Page 173 No. 4287, Henry Leoney, Geoweeescoowee district.

By Gen'r Breckinridge, -

The applicant applies for a son, Henry Leoney, who is in prison and unable to apply for himself; it appears from the testimony that this ~~man~~ son is now 37 years of age and that he was born during the Civil war and prior to the applicant's return to the Cherokee Nation, and that he came back with her and her husband Benn Leoney, recently deceased, at the time of their return after the Civil war. It further appears that at the time he was 18 years of age, he began a roving life. He is identified on the Kern Clifton roll. He is said to have been sentenced at Vinita, I.T. in the Federal court at that place in February of this year to Columbus Ohio for life, for the murder of his wife. He has no children. It seems wholly probable from the testimony that if he acquired any rights by his return to the Cherokee Nation with his mother he abjured his citizenship by a long continued policy of non-residence in the Cherokee Nation, it appearing that he only made three crops in the Cherokee Nation during the period stated and that his whereabouts, except for occasional visits, cannot be accounted for. None of this family are on the 1886 or 1896 rolls or the Wallace roll. This applicant Henry Leoney will now be listed for enrollment as a Cherokee freedman on a doubtful card for the further consideration of his case and for additional testimony therein, there will be filed herewith a copy of the testimony taken in the case of his mother of Cherokee Freedman Doubtful card #878, and the official records may be consulted if deemed necessary in regard to the legal action alluded to with respect to this man's conviction. The final decision of the Commission will be made known to him or to his mother at their proper post office addresses.

Chas. Van Weize, being sworn stated that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

By Order

Witness my hand and seal this 1st day of May, 1864.

John C. [Signature]

Notary Public

WILLIAM L. [Signature]

WILLIAM L. [Signature]

To be filed in the case of

Henry L. L. L.

S.F.N. # 649

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, T. T. June 7, 1901.

In the matter of the application of Jane Leoney for enrollment as a Cherokee freedman.

Appearances:

Hellstette & Smith, attorneys for applicant.

J. S. Davenport, of counsel for Cherokee Nation.

Jane Leoney, being duly sworn and examined by Commissioner Brockbridge, testified as follows:

- Q Give me your name? A. Jane Leoney.
Q How old are you? A. I guess I am about 57 or 58.
Q Now what is your post office? A. Centralia.
Q In what district do you live? A. Gingsnaks.
Q Or Coonesnabowee Nation? A. Coonesnabowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Do you want to apply for anybody besides yourself? A. Yes sir, I have 7 children.
Q Are these children all under 21 years of age? A. Yes sir.
Q Are they all married? A. No sir, some of them married, one girl is married, two girls married.
Q Then you have only five of them? A. Well, I have one boy married, he is in the pen, he isn't here.
Q How many of your children are over 21 years of age? A. All of my children are over 21 years of age.
Q Have you got a husband? A. No sir, my husband is dead.
Q Then you apply only for yourself? A. And two grandchildren.
Q Are these grand children orphans? A. Their father is dead, their mother is not.
Q Well, let her apply for them? A. They live with me.
Q Well let her apply for them? Is that all you have in your family? A. Yes sir.
Q Is your husband dead? A. Yes sir, my husband is dead.
Q How long have you lived in the Cherokee Nation? A. Ever since I have been born.
Q Were you out during the war? A. I went out and staid a while.
Q Give me the name of your father? A. My father was dead before I can recollect him.
Q Give me the name of your mother? A. Ross Wright.
Q Is your mother dead? A. Yes sir.
Q How long has she been dead? A. Been dead ever since slavery.
Q Were you a slave in the Cherokee Nation when the war began? A. Yes sir.
Q To whom did you belong? A. Eli Wright.
Q Was he a well known Cherokee citizen? A. Yes sir.
Q How many times have you been married? A. Once.
Q How long since you married? A. I have been married ever since slavery, married in slave times.
Q What was your husband's name? A. Named Holston Leoney.
Q How long has he been dead? A. Been dead going on 8 years.
Q Was he a Cherokee freedman? A. Yes sir.
The 1892 authenticated roll of Cherokee freedmen examined and the applicant not identified thereon.
The 1892 census roll of Cherokee freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon, page 173, No 4865, Coowesscoowee district.

Q You went out during the war, did you? A. Yes sir.

Q Where did you go? A. Springfield, Missouri.

Q Did your husband go with you? A. Yes sir.

Q When you came back did your husband come with you? A. Yes sir.

Q You and he went out together and came back together? A. Yes sir.

Q And then lived together all the time after you came back? A. All the time, yes sir.

Q What time did you come back after the war? A. We came back the winter along just before Christmas.

Q In what year? A. In the year of '66, I think.

Q What time of the year? A. Just about four weeks before Christmas.

Q Well, how come it was not on the roll of 1880? A. Because the old man didn't try.

Q Well, did you ever apply, or did your husband ever apply for you and the family, to the court in Tahlequah, or any other court? A. No sir.

Q He wasn't before the Daniel Court or the Chambers Court back in '70 or '71? A. No, he never was.

Q And you think that he never was made to get on the roll of 1880? A. No sir, I don't think there was.

Q How many children have you got? A. Seven.

Q Give me their names? A. Frances.

Q How old is Frances? A. I don't know how old Frances is, she was born in slave times.

Q Is she married now? A. Yes sir.

Q What is her name now? A. Frances Smith.

Q Now what is your next child? A. Ellen Adams.

Q She is married, is she? A. Yes sir.

Q What is your next child? A. John Looney.

Q How old is John? A. I think he is 29 years old, he may be older than that.

Q Give me the name of your next child? A. Rosetta Looney.

Q How old is that child? A. I think she is 28 or 29 years old, I think.

Q Is she married? A. She has been married, her husband is dead.

Q Does she still go by the name of Looney? Does she go by the name of her husband? A. That is the way we put her down.

Q What is the name of her husband? A. Birch Beeson.

Q Well, your next child? A. Lucinda Whitlisc.

Q She is married, is she? A. Yes sir.

Q About how old is Lucinda? A. She is about 27 or 28 years old, I don't know which. I don't know nothing about their ages.

Q Which one next to Lucinda? A. George.

Q How old is George? A. George is 22.

Q Now what is the next child? A. That is all, no, Harry.

Q How old is Harry? A. Harry is the oldest.

Q How old is he? A. I can't tell you.

Q Is he older than Frances? A. No sir.

Q Is he older than Ellen? A. Yes sir.

(Mr. Devenport) Where were you living when the war came up? A. Living in Gans Lake.

Q Where did you go when the war broke out, if you ever left the country? A. Springfield, Mo.

Q Well now, how long did you live at Springfield, Mo.? A. We didn't stay there a year.

Q Did you go to Springfield about the time the war broke out? A. No, I guess we went there along during the war.

Q Well, where was your daughter Frances born? A. Born in Gans Lake.

Q That was before you was in Springfield, was it? A. Yes sir.

Q How old was Frances when you left the district? A. I think...

I I think she was either five years old or six, I don't know which.
Q Where was Henry born? A He was born, I don't know where he was born at, either in Kansas or Springfield, I don't know which, because we were traveling all the time.
Q The fact is, you have never had any permanent place of living since the war? A No sir.
Q How long did you live in Kansas? A Never lived in Kansas.
Q How long did you live in Missouri? A I just traveled around in Missouri, I don't know how long we did stay there.
Q About how many years did you stay there? A I don't tell you.
Q Did you stay there three or four years? A I think we staid there two years, I think.
Q Well, where did you go from Missouri? A Came on back down here, camped along, we were traveling by ourselves, nobody with us, went by ourselves and come by ourselves.
Q After you got back down here, then where did you go? A Went over on the river here to my sister in law's, on the Verdigris not the Verdigris, the Grand river, and staid there two or three weeks.
Q After you staid over on Grand river, where did you go? A Went on Big creek.
Q How long did you stay on Big creek? A Staid there ever since we have been here.
Q You never lived in Kansas? A No sir, the old man has been over there.
Q Haven't you lived in Arkansas a while since the war? A Not as I know of; if he did I didn't know it was there.
Q Didn't your husband and you go over there and live near Cane Hill, Arkansas after the war? A Yes sir, I was named Fisher? A I don't know nothing about him.
Q About five miles from Cane Hill, Arkansas; didn't you live over there a while? A No sir, not as I know of, we just traveled all the time, we haven't staid anywhere hardly any time, didn't stop traveling.
Q Never had a home anywhere since the war? A Not till we came to Big creek.
Q How long have you been living on Big creek? A Ever since '66.
Q Well, how didn't you and your husband go to Leavenworth, Kansas, and live there a little while there with a fellow by the name of Tom Ross? A No sir, I don't know nothing about him.
Q Did you ever know such a man as Tom Ross? A No sir.
Q Well how is it you remember you came back here just four months before a certain Christmas in '66? A Because I had my oldest boy, he was born, he was 8 years old in the year '66.
Q How old is he now? A Well, I don't forget, how old he is now but I know he was 3 years old the year the treaty was made, he was two years old, he was born in '64.
Q How old is your oldest boy now, do you know? A No sir, I can't say, I forgot.
Q You know he was born in '64? A Yes sir.
Q What time of the year was he born? A On the 4th day of July, 34th of July.
Q Now when did you go to Springfield, Missouri? A We went there during the war.
Q What time during the war? A I can't tell you nothing about the year and months.
Q You told me about '66, can't you tell me when the war broke out? A No sir.
Q Did you go to Springfield after the war broke out? A I don't know, we were run off, we staid back till the Indians run us away.
Q About how long was it after the war began that you went to Springfield? A I can't tell you.

Q You certainly have some idea, was it a year or two years? A I guess it was two or three.

Q Well, you staid there about a year? A Yes sir, I guess we did.

Q Now you staid there longer than that? A No sir, we didn't we just traveled.

Q Did you go direct from the Territory to Springfield, Mo? A Yes sir, we went from the Territory to Springfield, and we were just by ourselves, and nobody went with us.

Q Now your child, Frances, you say was born in the Cherokee Nation?

A Yes sir.

Q Was she born after you came back from Springfield, Missouri? A She was born in slave time, I tell you.

Q She was born before you went to Springfield? A Yes sir, she was born a slave.

Q She was born on the 4th day of July? A No sir, the 1st.

Q Well, how old was Frances when you went to Springfield? A I think Frances was either 6 years old, I don't know which, or seven.

Q Was the boy born before you went to Springfield, or after you got back? A No, he was born when we went to Springfield.

Q Before you went? A Yes sir.

Q When you left the Territory for Springfield sometime after July 4, 1861? A Yes sir, I think that is it.

Q Now you staid about a year at Springfield? A No we didn't stay any year at Springfield.

Q Well, how long did you staid? A I think I told you how long we staid, if I knew the numbers and dates I could tell you, but I can't tell you, because I just can't say.

Q Was it less than a year? A I don't know, we staid about something near a year.

Q Did you go direct from Springfield to the Cherokee Nation? A Well the way we traveled around, it would take us a long time, because one was lame.

Q When you started from Springfield, was your objective point the Cherokee Nation? A Yes sir, we went to the Cherokee Nation.

Q How long were you making the trip? A I don't know, because one was lame and the other lame.

Q There were the children? A I had one in my arm and one behind me.

Q How long were you making the trip? A I don't know.

Q Did you come by Fort Scott? A No sir.

Q Heaven's earth? A No sir, we didn't go that way, we came through the woods.

Q To that point in the Cherokee Nation did you come when you returned? A I can't tell you.

Q Do you know what district it was? A No sir, because I didn't know the names of places or districts.

Q Did you come by any point in Arkansas before you came to the Territory? A I think we came to a place they called Mountain Lake, I reckon that is the way we came.

Q You didn't go from Springfield to Cape Hill? A Yes sir.

Q That was the time your husband and family was over there and he was working for Fisher even to Cape Hill? A Yes sir, he never lived on Cape Hill.

Q Do you think you were as much as a year coming from Springfield to the Territory? A I think we were.

Q You traveled pretty much all the time, didn't you? A Yes sir, and camped out, we traveled till we got tired, and then we got in the woods.

Q Did you stop and work along the road? A He would go out and work a little, get enough grub, and then start again.

Q About how long would you work on one place? A Sometimes a day and sometimes not a day, just get something to eat.

A Sometimes a day and sometimes not a day, just to get something to eat.

Q You were not more than a month or two making the trip from Springfield to the Territory? A No, sir, I guess not.

(Mr. Mellette) There did you say you came to when you first came to the Territory? A. Came to my sister Judy, Peter Williams' wife.

Q Lived where? A. She lived on Grand River; that is the first place.

JOHN SANDRICK being duly sworn and examined by Commissioner Brookbridge, testified as follows:

Q Give me your name and age? A. John Sandrick.

Q How old are you? A. 35 years.

Q What is your place of birth? A. Sweden.

Q How long have you lived in the Cherokee Nation? A. All my life.

Q Where were you born? A. In Sweden.

Q And you came to the Cherokee Nation? A. Yes sir.

(Mr. Mellette) Did you ever marry? A. Yes, I married Jane Looney. Yes sir.

Q Do you know where she is now? A. I knowed her husband.

Q Did you know her husband? A. I knowed her husband before the war.

Q You didn't know him before the war? A. No sir.

Q Well, where did you see him? A. Lived at Murrell's, down in the Cherokee Nation.

Q Who owned that place? A. Murrell.

Q Was George?

Q No was a son? A. No sir, his wife was.

Q Well, he was a son of George? A. Yes, and Nelson Looney returned to the Cherokee Nation.

Q Bolston came to the Cherokee Nation? A. I don't know, I know when Bolston came to the Cherokee Nation.

Q Well, when did he come to the Cherokee Nation? A. In the summer of '68.

Q Where did he come to? A. On Grand River, in the Cherokee Nation.

Q You didn't see him when he came? A. No sir, I didn't see her, Bolston came to the Cherokee Nation looking for his sister.

Q You don't know where he is now? A. No sir.

Q Did you ever see him after that? A. No sir, I don't after that.

Q Where? A. He was over here in Vinita.

Q Do you know where he is now? A. At that time, when you saw him at Vinita? A. No sir.

(Mr. Mellette) Did you ever see him when you saw this Bolston Looney over there? A. Yes, I saw him.

Q It was earlier than that? A. It was '68 and you? A. Yes sir.

Q It was earlier than that? A. It was in the summer.

Q You don't know where they had been living prior to that time that you saw him there? A. No, I don't.

Q And you don't know where they lived since that time? A. No sir.

(Commissioner) Do you know anything about this woman being married to Bolston? A. No sir, no more than what he said he had a wife.

Q But you never saw her? A. No sir.

Q How long had you known her? A. I never saw her until this week at the Court.

(Mr. Mellette) How did he tell you he had a wife? A. Over at the Court.

JOHN SANDRICK being duly sworn and examined by Commissioner Brookbridge, testified as follows:

Q Give me your name and age? A. John Sandrick.

Q How old are you? A. 70 years old.
Q What is your post office? A. Hudson.
Q How long have you lived in the Cherokee Nation? A. Been living here all my life.
Q Were you out during the war? A. No sir, I wasn't in the war.
Q Did you go out of the Cherokee Nation while the war was going on?
A I went over in the Choctaw Nation.
Q Are you on the 1880 roll? A. Yes sir.
(Mr. Neellette) Charlie, do you know the applicant her, Jane Looney
Looney? A Yes sir.
Q Do you know know her husband, Bolsten Looney? A. Yes sir.
Q Well now, when did you first see them after the war; do you remember? A I seen him in '06 in Fort Gibson.
Q Where was she? A. He said he left her on Grand river, he told me; she wasn't with him at all, he was by himself .
Q Well, when did they move up on Big creek, do you know anything about that? A No, I don't know just when they moved up there, I don't know.
Q Did you get acquainted with them up there? A. I got acquainted with them after I came from Fort Gibson up here, when I went there they had come moved here.
Q Where were they living then? A. They were living out on the prairie out on the east side of Big creek.
Q In what Nation? A In Sequoyia district here.
Q About when was that that you came up from Fort Gibson and found them there? A That was along somewhere in '70.
(Mr. Davenport) You say you saw Bolsten Looney at Fort Gibson in '06? A Yes sir.
Q What time in the year was that? A. Why it was along a while, just a while before Christmas, little while before Christmas.
Q Now then if Bolsten Looney testified in 1896 that he never returned to Fort Gibson at all, was that true or untrue? A If he gave such evidence as that in 1896, that he never did return to Fort Gibson, is that true or untrue? A. I seen him there.
Q I asked you, if he testified that, was it true or untrue; in giving his testimony before the Kern-Clifton Commission, if he gave such evidence as that, was it true or untrue? A I can't answer that question.
Q When did you come back to this country? A I come back in '65, they told me in '06.
Q Are you on the 1880 roll regularly? A Yes sir.
Q Did you have any conversation with Bolsten Looney at Fort Gibson in '06? A No sir, not but a very little bit.
Q Who did he have with him? A. He didn't have anybody with her, I just went into Gibson and seen him there, and I went to him and shook hands with him because I was acquainted with him.
Q How many children did they have when the war broke out? A Didn't have but one then.
Q Do you know of your own knowledge where they went during the war? A I know they went South.
Q Did you remain in the same locality where they had lived, or return to that locality when you came back after the war? A I stopped at first right this side of Fort Smith, on this side the river in the Cherokee Nation.
Q Well, did you go back in that neighborhood? A Yes sir, I came back in the neighborhood where I used to live, lived on the same place I went from when they first taken me away.
Q The lived in that neighborhood when you returned up there there just after the war? A They my owners was living there on that same place then, I came right back to them.
Q Who were they? A Chambers, Maxwell Chambers and his wife; of course the old man was dead, but his wife was living on the same place.

Q Where had the right family gone? A. They went south too.

Q Do you know to whom Bolston Looney belonged at the breaking out of the war? A. Yes sir, belonged to George Murrell.

Q Where was George Murrell living? A. Well, George Murrell was living there in what they call Park Hill.

Q How far was Park Hill from where you lived at the Chambers place?

A Well, it was all pretty near the same place, it was all called Park Hill where they all lived, we didn't live just two or three miles part.

Q George Murrell was a man who had a farm in Virginia and lived in Virginia the greater part of his time? A I suppose he had a place there.

Q He lived there the greater part of his time? A. Pretty much.

Q Also kept a part of his slaves in Louisiana? A I guess he did, I understand he did, anyway.

Q Did George Murrell ever have a permanent home at Park Hill, where he himself and family resided? George Murrell ever live permanently with his family at Park Hill, in the Cherokee Nation? A Yes sir, he was there, called that home.

Q He would go back and forward? A Yes sir, he would be there, because I knowed him.

Q His wife was a sister of Mrs. V. P. Ross, who now lives at Fort Gibson? A Seems to me she was the daughter of Lewis Ross.

Q Wasn't he a sister of Mrs. V. P. Ross? A Yes sir, that is right.

Q Then Bolston Looney didn't belong to Jane Looney at the breaking out of the war? A. No sir.

Q And you don't know who this man belonged to at the breaking out of the war? A Yes sir.

Q Who did she belong to? A. Eli Wright.

Q How do you know that? A. I seen her there.

Q How far did Eli Wright live from Park Hill? A He lived a good ways, but I was all over the country in them times.

Q About how far? A. I can't tell you just exactly it was.

Q Was it a hundred miles? A. No, I guess now since I come to be grown I expect it was somewhere between thirty and forty miles over there.

Q You lived in there at Park Hill, you say? A. Yes sir.

Q And the other parties lived over thirty or forty miles from you? A Yes sir.

Q There was no way of getting back and forth except by horse? A. No sir, except on horseback.

Q And there was no settlement between the Park Hill settlement and the settlement of going snake where they lived? A I expect there was, I just went going through there, I was going to Cincinnati.

Q When were you at Eli Wright's place, when you claim to be the owner of this woman before the war? A. I didn't stay very long.

Q How long did you stay? A. I was there one time.

Q When did you next see this woman after the war broke out? A Why I never seed her any more until I came from Tahlequah up here on Big creek.

Q When was that? A. That was along in '67.

Q They haven't had a permanent place of living, have they, since the war her husband? A. Yes sir, they had a log house put up.

Q Didn't they just live from place to place and town to town? A Well, he did for a while, and that time he told me his wife was over on Grand river.

Q What makes you know it was just before Christmas, in '66 you saw him down there? A Because I knew him, because I asked him to come take Christmas with me.

Q How long before Christmas was it, and what year after the war broke out? A. I don't know what year the war broke out.

Q How long before Christmas and in what year after peace was declared? A I can't hardly tell you that.

Q What year, and how long before Christmas was it the treaty made? A I know one thing, I know the people keep were I was living told me that peace had been declared and the folks was all coming home and I picked up and lit out too.

Q Will, how long before Christmas was the treaty made, and what year? A. And I know right after that, in the next year after I came up there, that was when I seen him.

Q Who was living in Fort Gibson at the time you saw him? A. I can't tell you, there was a plenty of soldiers there.

Q Wasn't there some Cherokee families there, or colored families? A There was one or two colored families there, I can't tell you, it has been so long ago.

Q Lewis Daniels was living there? A Lewis Daniels was living around there somewhere.

Q And F. H. Nash was living there, wasn't he? A. I don't know.

Q W. P. Ross? A. Yes sir, I believe he was, I believe he was living around there some place, but I don't know whether he was living in town or not.

Q You don't remember anyone living there except you saw Bolston Looney there, is that it? A. There is a man now lives right close to where there is a little hollow going down towards the river, that they call Vann.

(Commissioner) You say you knew this woman before the war? A. Yes sir.

Q Was she married to Bolston Looney then? A. I think she was, she had one child, I think she was married to him; I don't know for certain whether she was or not.

Q Where did you first know her certainly as Bolston Looney's wife? A I never knew her really as his wife, not till he came back here with her.

Q When did you first see her with him after the war? A That was in '67, and I am just going to tell you just exactly.

Q You saw him and her together at that time? A Yes sir, they were living together.

Q As husband and wife? A Yes sir.

Q Have you seen more or less of her ever since? A. Yes, I seen her off and on all the while since.

Q And of him also? A. Yes sir, they were living together.

Q He died about three years ago? A. Yes sir.

Q Have you seen them ever since as husband and wife? A. Yes sir, they been living ever since as husband and wife.

Q Now this George Murrell that you spoke of, who was his wife? A I think it was a daughter of Lewis Ross if I mistake not.

Q She was a Cherokee woman was that? A. Yes sir.

Q That the family of old Chief Ross? A Yes sir, if I am not mistaken he was her brother.

Q You think then George Murrell's wife was a niece of the old Chief? A Yes sir, I think she is as well as I can recollect.

(Mr. Mellette) Didn't George Murrell build a fine house at Park Hill? A. Yes sir.

Q Was it brick or frame? A. I don't just recollect what the house was built of, it was a fine house.

Q It was the house E. S. Ross lived in now? A. Yes sir, I think it is.

(Mr. Davenport) Do you know where Bob Ross lives now? A Yes sir, Lewis Ross' Bob Ross, do you know where he lived? A Bob Ross was living at Tahlequah, the man I am thinking about now.

Q What made you answer Mr. Mellette that you thought the house George Murrell built was the house Bob Ross was living in now? A Maybe I didn't understand him good.

(Mr. Mellette) I asked you if George Murrell didn't build a fine house at Park Hill? A Yes sir.

Q You know about that? A. Yes sir.

Q Then I asked you if Bob Ross is living in that house now? A I don't.

COMMISSIONER: The applicant is identified on the Kern Griston roll, but not upon the roll of 1880 or upon that of 1896. It appears that she and her deceased husband were slaves in the Cherokee Nation at the beginning of the Civil war, and were the property of Cherokee citizens. They seem to have lived together at the time of the war, and to have gone into the State of Missouri. She claims to have returned to the Cherokee Nation about four weeks before Christmas, in 1866. The testimony on this point is somewhat conflicting. With a view to the application of her children, they have been identified in the course of the examination as her children, and it appears that their claim will depend upon the claim that may be established for their mother or father. It seems that the marriage between the applicant and her husband was lawful, they have been married, according to her testimony, since before the Civil war, and have lived together until his death, some three years ago. She will now be listed for enrollment as a Cherokee freedman or a doubtful card, for the further consideration of the testimony, and the final decision of the Commission will be made known to her at her post-office address.

The Kern Clinton roll examined and the husband of June Leone, identified therein, Page 273 in entry 4254, Coconino County District, as Beach Looney.

Drugs O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce V. Jones

Sworn to and subscribed before me this the 18th of June, 1901.

(signed) E. B. Needles,
Commissioner.

I, Chas. von Weiss, upon my oath state that the above is a true copy of the original.

Subscribed and sworn to before me this 26th of August, 1931.

[illegible]

F. D. 643

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this.....
day of A. D. 190....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190....

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to.....

.....
on the..... day of A. D. 190....

.....
Subscribed and sworn to before me
this

.....
Notary Public.

RECEIVED
FEB 10 1902

NOTICE!

IN THE MATTER OF the application of Henry Looney
for enrollment as Cherokee Freedmen:

Case No. F. D. 843

To Henry Looney, Columbus Ohio.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on FEB 17 1902 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this FEB 4 1902

L B Bell

N. W. Hastings
Jas. S. [unclear]
Attorneys for the Cherokee Nation.

"R"

Filed with C. F. D. 643, Henry Looney.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Ia T., February 17, 1902.

SUPPLEMENTAL TESTIMONY OF FRANK FEEHAN OF CHEROKEE NATION in the matter of the application of Jane Looney for enrollment as a Cherokee Freedman, D#597.

Appearances:

Jr. Smith, of Bellette & Smith, Vinita, Ia T., Attorneys for applicant;

W. W. Hastings, attorney for the Cherokee Nation.

FRANK FEEHAN, being first duly sworn and being examined testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Frank Feehan.
- Q How old are you? A 65 years old.
- Q Where do you live? A Atchison County, Kansas.
- Q How long have you lived in that County? A Since January '58.
- Q Did you know a colored woman up there in Atchison County Kansas by the name of Jane Looney? A I did.
- Q Did you know her husband? A I did.
- Q What name did her husband go by? A Andy Looney.
- Q Did you know any of Jane's children? A Yes, I know Frances.
- Q What is her present name? A Smith.
- Q What was her husband's first name? A I did not know that.
- Q Did you know any of the rest of her children? A Why, I have seen several of them, I have no particular knowledge; they have worked around for my daughter and myself some but I have no particular knowledge of the other two of them.
- Q What are the others named do you know? A Really I don't know how many children she has got.
- Q I mean of Jane Looney? A Oh I thought you were speaking about Frances. Jane Looney yes, I know Frances is her oldest daughter, and the oldest boy was born on the place where I live now, Henry, he was born in '64.
- Q You mean in '64? A Yes sir.
- Q Well what is the next one? A There was a John, there was several children after they left our neighborhood, I don't know how many they had after they moved to Atchison, there was a Ellen, there was a George, and there was a John, them three I heard of, not personally knowed them either.
- Q Her husband there was known as Andy Looney? A Yes sir.
- Q When did you first learn to know this man and woman in Kansas? A It was either in '63 in the fall or in the spring of '64, I won't be positive, but it was either one of those times.
- Q Where did they live in '64? A On the place I own now.
- Q How long did they continue to live there? A Until spring of '67.
- Q Continuously all the time? A Continuously all the time, farmed the place.
- Q Where did they go in the spring of '67? A They moved to a place right adjoining it on the east where old man Tilman built a little cabin there, they lived there two years.
- Q That would be the spring of '69? A Yes sir.
- Q Then where did they go? A Then in the spring of '69 they moved on the place right north of me.
- Q How far from you? A The house not being more than about 40 rods from where I live now.
- Q How long did they live there? A Two years.
- Q That would bring it up to '71? A Yes sir.

- Q Then where did they go? A They moved to Atchison.
- Q How far is that? A 5 or 6 miles, we call it 5 or 6 miles.
- Q Did you see them after that? A I saw them 15 years after that, positively and I might say 20, but 15 years anyhow; I saw Andy Looney in '92 the last time and had a long talk with him; he was fencing ground for my daughter.
- Q Did you see him frequently after he went to town? A Yes sir.
- Q You know when he left up there? A No.
- Q You say '92 is the last time you positively remember seeing him? A Yes sir, I had no ~~known~~ dealings with him; that is the last time I talked with him and I didn't know he had gone until here a few years ago.
- Q How about Frances Smith? A She lived there in Atchison.
- Q Does she live there now? A She lived there now, her husband is working there and the family is there.
- Q When is the last time you saw her? A Well I have not seen Frances for several years, because I have no dealings or no need of seeing her, but I have seen her children, I saw one of her children that worked for me this winter up until January.
- Q Up until this last January? A Yes, this last January last month, and he worked for my daughter the last month.
- Q What is that child's name? A Fred Smith.
- Q Do you know John Looney or Henry Looney of these boys? A I know Henry, because he was born on my place and I have seen him since, he is now in the penitentiary.
- Q What is he in the penitentiary for? A Killing his wife.
- Q Did you know any of the rest of these boys living up there now? A There is one by the name of John, but as I have no business with him I see him and that is about all, I have no personal knowledge of him much.
- Q How you said they left there and went to Atchison about '71? A Yes, to the City of Atchison.
- Q You say you had occasion to meet them frequently? A Yes sir, often.
- Q Did they ever do any work for you after '71 until '92? A Not for me, but my son-in-law, he would do little things in the garden and take care of the house and I would see him, - saw wood, any little thing like that.
- Q You know where they were living? A Oh yes.
- Q You saw their house? A Oh yes sir, many a time.
- Q How far were they living from your son-in-law? A Not more than a quarter of a mile, my son-in-law lived in the south Atchison and they lived in South Atchison, about a quarter of a mile.
- Q Well then from about '63 or '4 up until '71 they lived out there either on your farm or the adjoining farm? A Right close adjoining and many a day he has worked for me.
- Q What is your business? A Farmer.
- Q Are you a farmer yet? A Yes sir.
- Q You live on the same place? A Yes sir.
- BY MR. SMITH:
- Q Mr. Neerman, how long have you lived in Kansas? A Since the winter, since January '68.
- Q The people you talk about are people you first became acquainted with in '63 or '4? A Yes sir.
- Q Which was it? A The Looney family? they consisted of Andy Looney his wife Jane, and the daughter Frances, about 6 or 7 years old, and the child Henry was born on the place where I live; they now, they had a cabin, and he was born there.
- Q Do you know which year it was, whether it was '63 or '64? A I am not positive, but it was not later than that.
- Q Now you say the husband of this woman was called Andy? A Andy Looney he went by, yes sir.
- Q How long has it been since you saw the Jane Looney to whom you refer? A Oh it has been a good many years, I couldn't tell you what

Of course she didn't get out like her husband Andy and the sons so I could see her and I had no business with them and I didn't hunt her up.

Q You know whether Andy Looney is living or not? A I understand he is dead.

Q When did you last see him? A Last time I saw him was in the summer of '92 that I saw him personally and talked with him in Atchison, Kansas.

Q He was living there then? A Yes sir.

Q You don't know whether the people that applied here for admission are the same people you know at all? A I don't know anything about that at all.

H. C. KING, being first duly sworn and being examined testified as follows:

BY MR. HASTINGS:

Q Give the stenographer your name, please? A H. C. King.

Q How old are you, Mr. King? A 41 years old.

Q Where were you born? A Atchison County, Kansas.

Q You lived in that vicinity all of your life? A No sir, not all the time.

Q Where do you live now? A I live in Atchison County.

Q Where were you living when you were 7 or 8 years of age? A In Atchison County.

Q Did you ever know a colored family up there by the name of Looney? A I know her.

Q You know what the woman's name was? A I don't remember every one, what her name was.

Q Don't remember? A No, not her name particularly.

Q Did you remember his name, Andy? A He was known as Andy Looney.

Q Did you know any of his children? A I remember one named Henry Looney.

Q What became of him? A I learned that he was in the penitentiary from what I heard.

BY MR. SMITH: I object to that.

Q You don't know only what you have heard? A Just what I have heard there in town; it has been several years since I heard it.

Q Did you know any of the rest of the family? A I know two now, there's two now that I remember that I know, John Looney and Frances Smith.

Q Where does John Looney live now? A In Atchison.

Q When did you last see him? A Last Saturday about one o'clock.

Q You know whether he is single or married? A He is married I understand.

Q You know whether Frances is single or married? A She is married.

Q You know where she lives? A Yes sir.

Q Where? A She lives 716 W. Street, Atchison.

Q You know what her husband's name is? A I know of him as Doctor Smith.

Q They live there in Atchison? A Yes sir, that is my understanding. I am not acquainted with the man.

Q Were you at her house? A Yes sir.

Q Therefore you are correct as to her place of residence? A Yes sir.

Q It was this Looney family that you knew, this man and woman, the father and mother of these children John and Henry and Frances?

A That has always been my understanding, that they were the children of the family.

Q You know that like you know anything else in the neighborhood?

A Like I know anything, yes sir.

Q When did Andy Looney and his wife leave that country? A I couldn't say for certain about that, I heard of them leaving about

'96, I had been away from Atchison and came back in 1896, I had been away about 12 or 13 years.

Q When did you leave Atchison County? A I left Atchison County in '83 I think it was '83 or '84.

Q You know whether these Looney's that you speak of were living in '83? A They had been living in Atchison last I knew of them before that, I didn't know just where they was in '83.

Q How long had you known them to be living around in Atchison? A I would judge about 15 years anyhow, something like that.

Q Continuously? A As near as I could learn, occasionally I would see them.

Q You left there about '83 or '84 and came back in '96 and they were gone? A Yes, that is I learned they were gone, I lost track of them anyway, I wasn't particularly acquainted with the younger ones; I remembered Henry as a boy, he wasn't much younger than I was.

Q You don't remember as far back as '66, you are too young? A Well I couldn't say as to the date when I got acquainted with them, but I know when I moved out of the neighborhood in which they lived, the old neighborhood, that was in the fall of '70, I lived about two miles for several years, probably from '65 to '70, within about two miles of Mr. Neerman, and they lived right in the Neerman neighborhood, either on his place or the Tilman place; I know about where they lived.

Q That is as far back as your recollection extends? A Yes sir,

Q They afterwards moved to Atchison? A Yes, I have seen them around Atchison and I understood that they lived there.

BY MR. SMITH:

Q How long did you state you were? A 41 years old.

Q You don't remember the name of Andy Looney's wife? A No sir.

Q How many children do you remember? A I don't remember but one particularly; when they were small children.

Q You can only give the name of one child? A That I remembered at that time, when I was a boy.

Q How when you first knew these people that you speak of you were how old did you say, seven years old? A I was from 6 to 10 somewhere in there, I knew them before I was 10 years old I remember, I lived in the neighborhood with them.

Q Where did you last see any of them? A I saw one that I got acquainted with, John Looney in late years I saw him in Atchison last Saturday.

Q How long have you been living in Atchison County? A 6 years this last time, or about 6 within a month or two of it.

Q You were away awhile? A I was away from Atchison County some 12 or 13 years.

Q Where were you then? A I was in Jefferson County about 10 years and in Oklahoma about 2 years or such a matter.

Q You knew Andy Looney's wife did you? A I knowed her when I was a little shaver.

Q How long has it been since you saw her? A I don't know that I have seen her since in the neighborhood of '70 possibly, along there somewhere, I couldn't say positively.

Q You were there weren't you up until '84? A Not in that immediate neighborhood; they moved out of that neighborhood to town.

Q How far was it to town? A Well it is 8 or 10 miles.

Q And you have never seen her from that time to this? A Not that I know of.

Q You don't know whether it is the same Jane Looney or whether that is the woman that is an applicant in this case or not? A I could not say about that.

Q Was that a thickly settled community in there where they lived in that country? A Pretty thickly settled, yes.

Q Good many people live in Atchison? A Yes sir, along about 14000.

I, the undersigned, do hereby certify that the foregoing is a true and complete transcript of the stenographic notes thereof.

M. J. Green

Subscribed and sworn to before me this February 24, 1905.

[Signature]

Notary Public

Cher Fr D 644

Cher Fr D 644

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 10, 1901.

In the matter of the application of Joshua Holt for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Halletts & Smith, for applicant;
Mr. V.W. Hastings, for the Cherokee Nation.

- Q What is your name? A Joshua Holt.
Q How old are you? A 58.
Q What is your post-office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton.
Q Not on the roll of 1880 then? A No sir.
Q Who do you want to enroll besides yourself? A My mother first.
Q Well the second? A My wife, and children and self.
Q Where is your mother? A She is out there.
Q How can you say for her self? A She is so old she doesn't have any recollection, I think she is pretty near a hundred years old, and not able to give in hardly.
Q Can't you let your mother come and apply, and you can be a witness for her.
Q Your wife and children, you say? A Yes sir.
Q What is your wife's name? A Jane Holt.
Q How old is she? A 32.
Q What are the names of your children? A Martha Hick, Laura Holt.
Q How old? A 10.
Q Next one? Ella, Holt, 13.
Q Next one? A Jessie Holt, 10, Willard Holt, 9; Clifford Holt, 6, Maucalia, three months old.
Q That's six children? A Yes sir.
Q Are these children all living at this time? A Yes sir.
Q Living with you? A Yes sir.
Q What was your wife's father's name? A Anderson Johnson.
Q Was he a Cherokee Freedman? A Yes sir.
Q When did he die? A About 20 years.
Q What is her mother's name? A Dinah.
Q Is she living? A No sir.
Q Was she a Cherokee Freedman? A No sir.
Q Was your wife's father's name on the roll of 1880? A No sir.
Q You say your name is on the Kern-Clifton roll? A Yes sir.
Q Is it on the Wallace roll? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 147 #3639 Josh Holt, Cooweescoowee District;
page 148 #3640 Laura Holt, Cooweescoowee District;
page 144 #3875, Jane Holt, Cooweescoowee District;
page 147 #3641 Ella Holt, Cooweescoowee District;
page 147 #3642 Jessie Holt, Cooweescoowee District;
page 147 #3643 William Holt, Cooweescoowee District.

- Q You didn't draw for Clifford did you? A No sir.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 117 #2476 Josh Holt, District, Fort Scott, Kansas.
page 117 #2477 Jane Holt, Fort Scott, Kansas.
page 117 #2478 Laura Holt, Fort Scott, Kansas.

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ESTHER HOLT, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Esther Holt.
Q How old are you? A About 25.
Q What is your post-office? A Vinita.
Q What district do you live in? A Coowasee coowee.

Applicant re-called, and further examined;
BY MR. SMITH:

Q How old are you? A 32.
Q Where do you live? A Vinita, Indian Territory.
Q Were you born a slave? A Yes sir.
Q Who was your owner? A Bill and Nellie Holt.
Q Were they Cherokee Indians? A Cherokees by blood.
Q Were they citizens of the Cherokee Nation, Indian Territory?
A Yes sir.
Q Where were you when the Civil War commenced? A I was at Webbers Falls, Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go? A Fort Scott, Kansas.
Q When did you return to the Cherokee Nation first after the war?
A '66, in August.
Q Who was with you? A Andy Daugherty, my mother and two brothers.
Q What was your brother's name? A Tecumseh Holt and James Holt.
Q Where is James Holt? A I have not saw James Holt for twenty years.
Q You don't know where he is? A No sir.
Q Where is Tecumseh Holt? A He is here somewhere.
Q Where does he live? A Vinita.
Q What is your mother's name? A Esther Holt.
Q What was your father's name? A Jonas Pack.
Q Where did he die? A He died when the emigrants left this nation going to California about 1840.
Q You spoke of your mother and yourself and brother Tecumseh and another brother named James, coming here to the Cherokee Nation after the war in '66, where did you come to? A Came to Big Creek.
Q Near what point as the country is developed now? A I don't understand you.
Q I mean to say at what point on Big Creek did you come? A Near about in the settlement you have reference to?
Q Yes? A Up there about where Reuben Johnson lives now and Mike Whitmire.
Q Near what place is that now? A It was on George Duffin.
Q I mean as to what post-office is it now? A Near Edna, Kansas.
Q How far is it from where Hayden is now? A I don't know, Hudson may be closer I think, Hudson post-office is nearer than Edna, Kansas.
Q You think it is nearer what is now Hudson? A Yes sir.
Q How long did you live there at that place you have mentioned?
A I lived there off and on and go there and work and come back again.
Q Well you were then about how old? A I can't tell exactly how old I was about that time.
Q Were you married? A I was unmarried at that time.
Q When did you marry? A I married in 1899.
Q Were you ever married before that? A No sir.
Q Were you a single man from '66 up to 1899? A Yes sir.
Q Do you mean '99, three years ago? A 1899.
Q Do you were mistaken when you said 1899? A Yes sir, I was mistaken.
Q There are these children, Laura Holt, Ella Holt, Jesse Holt, Willard, Clifford and Maudie? A They are living in Vinita.

Joshua Holt et al 3

Q How long have they been living there? A They have been living in Vinita I guess for 12 or 13 years.

Q They are living with you? A Yes sir.

Q You ~~said~~ stated that you worked around from place to place, where was your mother after you come back the Cherokee Nation? A She was there sometimes and she worked off sometimes and worked and come back again.

Q Where does your mother live now? A Vinita.

Q How long has she been living at Vinita? A I guess 13 or 14 years.

Q Was your mother a slave? A Yes sir.

Q Who did she belong to? A Bill and Nellie Holt.

Q The same persons you have mentioned in your own testimony? A Yes sir.

Q Where was your mother when the Civil War commenced? A Webers Falls, Cherokee Nation.

Q Did she or did she not go out at the same time you did? A She went out at the same time I did.

Examined by Com'r Needles:

Q Do you live in Vinita? A Yes sir.

Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason I didn't appear at that Commission.

By Mr. Hastings:

Q Your present wife is the only wife you have ever had? A Yes sir.

Q You testified that you married her in 1889? A 1889.

Q Your oldest child is 16 years of age, you have given, Laura?

A Yes sir, she is my step-child, my wife's child, Laura and Ella both.

Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes sir.

Q Did you then say anything about their being your step-children?

A I think I did, I am not certain.

Q What was your wife's maiden name? A Jane Johnson.

Q Where was she born? A Big Creek, Indian Territory, Cooweescoowee District.

Q How old is she? A I think she is now about 32 years old, 30 or 32.

Q Who was her father? A Anderson Johnson.

Q Who was her mother? A Dinda Johnson.

Q Where did you marry her? A Cooweescoowee District, Big Creek.

Q Who married you? A Peter Meigs.

Q Does she claim to be a Cherokee Freedman? A Yes sir.

Q Freed woman? A Yes sir.

Q Did she apply before to the Kern-Clifton Commission? A Yes sir.

Q By what name? A In 1889.

Q Yes sir? A Jane Holt.

Q Where did you move to Vinita from? A I was living at Big Creek, and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Wallace court.

Q But you came from Ft. Scott down to Vinita? A Yes sir.

Q Did you bring your wife with you? A Yes sir, we was up there working, and I hadn't moved up there.

Q But your wife was with you? A Yes sir.

Q What was you doing up there? A I was cooking up there.

Q Was for? A Men named W.H. Robinson.

Q He was living there was he? A Yes sir.

Q Colored man? A No sir, he was a white man.

Q How long had you been in Ft. Scott when you came to Vinita?

A 1889 I believe it was 488 or 2.

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- Q I say how long had you been up there when you come down to Vinita? A I don't know just how long.
- Q Well about how long? A I can't tell you.
- I come back before the Wallace taken the census.
- Q You don't know how long you had been up there? A Not exactly.
- Q About how many years? A I tell you I don't know.
- Q You can make some sort of an estimate? A Well, about, up there a year, not quite a year.
- Q Were you up there more than a year? A I don't think I was.
- Q Hadn't you been up there ever since 1885? A Up in Ft. Scott.
- Q Yes? A Way certainly not.
- Q Then you deny positively that you were there more than two years?
- Q Yes sir I do, at a time.
- Q Where ~~was~~ was your oldest child, Jesse born? A Jesse was born in Vinita.
- Q Have you been living in Vinita since 1889? A Yes sir.
- Q All the time? A Except when I was out working.
- Q Where were you out working? A I were out at Lawrence, working and I was at Paola and I was at Weir City, Kansas, working.
- Q Where else were you working? A I worked there at Chetopa.
- Q Working in Ft. Scott? A Since 1891.
- Q Yes? A I don't think I have.
- Q How much of this time since 1889 have you actually resided in Vinita up ~~to the present~~ up there personally present? A I have been there pretty regular ever since 1892.
- Q How many years? A Well all the way along.
- Q Have you been there now for the past nine years all the time, continuously? A Yes sir, except when I was working out I tell you.
- Q I want to know how much time you have been working out? A I could not tell you that, because I don't know, but altogether wouldn't make a year.
- Q Where was your wife at that time, in Vinita all this time? A She was in Vinita.
- Q She never went out with you when you worked out? A Not since 1889 she hasn't.
- Q Where was this next child Willard born? A In Vinita.
- Q Where was the next, Clifford? A In Vinita.
- Q Where was Mangolia born? A Vinita.
- Q All four of these children were born in Vinita were they? A Yes sir.
- Q Who did you come down to the Cherokee Nation with after the war?
- Q Andy Daugherty.
- Q Didn't Andy Daugherty have a place down there when you came?
- Q Yes sir.
- Q He had a house up? A Yes sir.
- Q He had a patch of corn in? A Had a little corn in.
- Q When you came? A Yes sir.
- Q Who else had a house down there when you came? A I think Uncle Mike Whitmore had a house and Reuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.
- Q George Daffin? A I think so, I am not certain.
- Q Was Uncle Peter ~~Whitmore~~ living down there then? A I don't know.
- Q Was Reuben and Tuck Sanders? A Yes sir.
- Q Did they have small crops of corn too? A I wasn't on their place, would see them passing back and forth, I guess they lived there.
- Q Didn't all these people that you have mentioned have corn?
- Q I don't know; Uncle Andy Daugherty did, and I believe Whitmore did.
- Q What time did you come there? A In August.
- Q How long did you remain when you came in August? A I must have stayed there about six or eight months before I went away.
- Q Where did you go to? A I think I went to Lawrence I believe.

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Q Where was your mother at that time? A When I left I left her on Big Creek, at Andy Daugherty's.

Q She came down with you did she? A When she first came from Kansas you mean? Yes.

Q How long did she stay down there? A I don't know how long she stayed altogether.

Q How long did she stay before she went back? A She probably stayed a year.

Q Then she went back down to Ft. Scott? A Yes sir, and worked a year and came back again.

Q Did she keep house up at Ft. Scott? A She was working around there; she used to keep house.

Q You lived with her up there, and your brothers? A Yes, we kept house up there in '64 and '5.

Q You didn't live in a Government building up there? A I didn't.

Q Did your mother? A Not as I know of.

Q You didn't live with her up there? A I was with her up there, in '64 and '5.

Q After that time were you with her? A I was with her at the Daugherty's when she was there.

Q Were you with your mother in '66 in Kansas? A I would see her up there when I was working up there and she was working up there.

Q Did you see her in Ft. Scott, Kansas? A Yes sir.

Q What year was that? A I can't tell you.

Q Did you see her in '66? A Welcome down here in '66.

Q Did you see her in Ft. Scott, Kansas in '67? A I think she remained here all that time.

Q Did you see her in Ft. Scott, Kansas in the year '67? A No sir.

Q Did you see her in '68 in Ft. Scott, Kansas? A Yes sir, she was there working in '68.

Q And you were there? A I think I come through Lawrence and I see her first one place and another.

Q And where was your brother, Tecumseh? A I think he was living up there.

Q You never made a home in Kansas? A No sir.

Q Never had one? A Yes sir, I built one about two years ago.

Q You never had one on Big Creek? A No sir, I came there with my uncle and never made a home until 2 years ago, I built a home two years ago.

Q You never had a separate house there on Big Creek? A No sir.

Q I want to know where you lived from '66 to '69? A Sometime I lived on Big Creek, in 1885 I lived on Andy Daugherty's, and went to Platte.

Q Where was your mother then? A She was at Daugherty's.

Q How much of this time has she lived at Daugherty's? A I don't know.

Q You know Jim Foreman? A I do.

Q Did you ever know him in Ft. Scott? A I did.

Q Did you know him there in '68? A I knew him there in '64 and '5.

Q Do you know Jim McKimsey? A I did.

Q Did you know him in Ft. Scott, Kansas? A Yes sir.

Q When did you know him? A '64 and '5.

Q Did you know him about '66? A I saw him after '66.

Q Did you ever see him about '66? A I saw William Foreman, I don't think I saw him.

Q When was the last time you saw William Foreman in Ft. Scott, Kansas? A I don't remember.

Q Did you see him during the year of '66, '67, '68 or '69?

A I didn't see him in '66, and I never saw him in '67 or '68.

Q Did you see him in '69? A No sir.

Q Were you in Ft. Scott during either of these four years?

A I think I were there in '65.

- Q Where was that? A I think I worked there in '68 a little while.
Q Was your mother there then? A I believe she was.
Q Your brother Tecumseh? A I don't think he was.
Q Where was your brother Tecumseh? A I think he was on Big Creek, with Uncle Andy.
Q Was your brother married? A Yes sir.
Q Where did he marry? A In Oswego, Kansas.
Q State raised woman? A Yes sir.
Q When? A Married in 1875.
Q What did you do down here in '66? A I didn't do nothing in '66, there was nothing down here to do.
Q Nothing in '67? A I went out and worked; I never asked in here in those days.
Q You never made a crop in the Cherokee Nation? A No sir.
Q Your mother there never kept house here separate? A No sir.

By Gen'l Needles:

- Q Is Jane your first wife? A Yes sir.
Q Had she been married before she married you? A I don't know, if she was I didn't know it; she had these children.
Q What are the children's names? A Laura and Ella Reason.
Q Where were they born? A Big Creek.
Q Big Creek in the Cherokee Nation? A Yes sir.
Q I- is that where you married her? A Yes sir.
Q You mentioned about working in this Kansas backwards and forwards, did you have your family with you while working in Kansas?
A My family was with me up there in Ft. Scott, yes sir.
Q You worked in Ft. Scott and your family was with you? A Yes sir.
Q How long was that? A I can't tell you exactly, we went there in '69 I think it was, and we went back before the Wallace court.
Q Did you ever have your family working out with you after that?
A No sir.
Q Since the Wallace roll then has your family always lived at Vinita? A Yes sir. Except when my wife was out visiting; she went to Limb County, Kansas once to see her grandmother, and took her children, and she went to Cherokee to see her people.
Q How long did she remain at those places? A I think she remained in Mound City, Kansas, ten days, and I don't know how long she stayed at Cherokee.
Q Before she went there was she keeping house at Vinita? A Yes sir.
Q When she went up with these children did she abandon the house?
A I was at the house.
Q Did she take household furniture with her? A Didn't take anything but a few clothes and a in a valise.
Q Did she come back to the same house? A Yes sir.
Q And were you there? A I was there.
Q Jane your wife is a daughter of Dinah Johnson? A Yes sir.
Q Is Dinah living? A No sir, she is dead.
Q Andrew living? A No is dead.

By Mr. Smith:

- Q You say it was in 1889 that you went to Ft. Scott Kansas before after you were married? A Yes sir.
Q And that you came back before the Wallace court? A Yes sir.
Q Now up to 1889 you were unmarried, had you ever married before 1889? A No sir.
Q What had been your home up to the time you were married?
Mr. Hastings:

I want to enter an objection to that; you ask him where he has lived; the home is a legal proposition; let the facts be developed and let the Commission and others decide.

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about that question.

Mr. SMITH: That is immaterial.

Q Where did you stay, where did you live up to the time you were married? A I lived on Big Creek.

Q At whose house? A At Andy Daugherty's.

Q Was he related to you? A My uncle.

Q What is your occupation, you spoke of working? A I am an ironer and I am a painter.

Q Now after you were married and after 1889 you were asked when you first built a home, do you mean by that that you now own your own home, or what do you mean? A Yes sir, I own my own home now.

Q Had you any home place to live in before you built that two years ago? A I was renting a house to live in.

Q Where? A Vinita.

Q What kind of work did your mother do? A She was washing out and sometimes cooking.

Q Did you have any sisters? A Yes sir.

Q What were your sister's names? A Sallie and Bettie.

Q What is Bettie's name now? A Bettie Hicks.

Q Who was she married to? A Dennis Hick.

Q Up to the time she married Dennis Hick what was her chief occupation? A She worked around hotels and such work as that.

Q Do you know of your own personal knowledge when she came back to the Cherokee Nation, or not? A No sir, I don't.

Q Do you know of your own personal knowledge when Sarah came back? A No sir.

Q You know whether they were slaves before the war? A Yes sir.

Q Who did they belong to? A Bill and Nellie Holt, same man I did.

By Com'r Needles:

Q You say you were living on Big Creek? A Yes sir.

Q No town there? A No sir.

Q Were you a farmer? A No sir.

Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working, and come back there for my home.

Q How long did you live there? A I pulled out from there in 1885.

Q You made that your headquarters then? A Yes sir.

Q Your uncle was a farmer? A Yes sir.

Q You didn't pretend to farm yourself? A No sir.

By Mr. Hastings:

Q How many brothers did you have? A Had four, three besides myself.

Q And your mother? A Yes sir.

Q And you all made your Uncle Andy Daugherty's place your headquarters? A Not all of us, I had one brother that never came there at all.

Q Your two brothers and your mother and yourself? A Yes sir.

Q You never lived in separate houses? A No sir.

Q Where was your sister Bettie married? A She was married in Vinita.

Q When? A I don't know how many years ago it has been since she got married.

Q Since you came there? A Since I have been in Vinita, yes sir.

Q Didn't she ever become married before? A No sir, not to my knowledge.

Q Where did she come from when she came to Vinita? A I don't know, she wasn't with me, she had been working down about Gibson, and places around there.

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- Q Your sister older than you? A Yes sir.
Q Where is she living? A In Vinita.
Q How long has she been living there? A I don't know.
Q Since or before you moved there? A She has moved there since I moved there.
Q Where did she come from? A She had been working down about Ft. Gibson I believe, or Tahlequah, I don't know whether she came from there or where.
Q When was the last time you saw her in Ft. Scott? A I don't know.
Q Since the war? A I think I have, but I am not certain.
Q Not positive? A No sir.
Q She didn't live with you there in '67, '8 and '9? A No sir, she never did live with me.
Q You know where she married? A No sir.
Q Did she marry a state raised man? A I don't know whether the man was a state raised man or not, I couldn't tell anything about that.

By Com'r Needles:

- Q Now as to your wife, you say her father's name was Anderson Johnson? A Yes sir.
Q And her mother's name was Dinah? A Yes sir.
Q Were they slaves? A Yes sir, both of them.
Q Who did they belong to? A Anderson Johnson belonged to a Cherokee named Ben Johnson, and by wife's mother belonged to a man named Chandler, in Arkansas.
Q In Arkansas? A Yes sir.
Q Slaves of an Arkansas man? A Yes sir.
Q Her father was owned by a Cherokee? A Yes sir.
Q And his wife was owned by a citizen of the state of Arkansas? A Yes sir.
Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes sir.
Q When did they return? A They moved to Big Creek in '66.
Q How do you know? A I was there, I lived close to them.
Q Was Jane born after that or before? A She was born after they moved there.
Q I forget whether you stated your wife's father and mother were both living or not? A They are both dead.
Q Your wife Jane been living in the Cherokee nation ever since '66? A Yes sir, except when she was just out once visiting.
Q Except when she was out with you? A Yes sir.
Q You don't know whether she was married before you married her or not? A No sir.
Q You know she had these two children? A Yes sir.
Q Are these children living with you now? A Yes sir.

By Attorney Smith:

- Q You know who was the reputed father of these two children? A Man said to be named Omar Benson.
Q Is he living or dead? A Last I heard of him he was living.
Q By Com'r Needles: Colored man? A Yes sir.
Q By Atty Smith: Where did he live? ~~Anderson Johnson~~ is your wife? A I don't know whether she is in the crowd or not, she is here in camp somewhere.
Q Have you a certificate of your marriage to her? A No sir, I just married by a preacher.
Q Who married you? A Peter Neigs.
Q Is he living or dead? A He is dead.
Q Is there anyone around the camp who saw you married? A The young man was there, he and two sisters were there, and I was to have them

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here, but they went to Fort Gibson.

Q There is no one here that saw you married? A No sir.

By Mr. Hastings:

Q How long had you known your wife before you married her? A I knew her from a child.

Q You know whether she lived with this man as husband and wife by whom she had these two children? A I know she lived with him, I don't know whether they were married or not.

Q How long did she live with him? A She may have lived with him four or five years.

Q She live with him from the time she gave birth to the first one until she gave birth to the last one? A Yes sir.

Q Lived in a house together with him? A Yes sir.

Q You don't know whether they were married or not? A No sir, I don't.

Q You lived at Webbers Falls when the war come up? A Yes sir.

Q You went out north? A Yes sir.

Q Who did you go with? A Went out with the soldiers, soldiers come and there at night and taken us out.

Q Were you living with Will and Nellie Holt at Webbers Falls?

A Yes sir.

Q Did they have children? A Yes sir.

Q What were their names? A Tempy Whitmire, Johnson Whitmire's wife.

Q How far did you live from Webbers Falls? A I lived about a mile and a half on the other side of Webbers Falls.

Applicant's mother re-called, and further examined,
By Mrs. Hastings:

Q Aunty, where do you live now? A Vinita.

Q Who do you live with over there? A I live with my son,

Q What is his name? A Tecumseh Holt.

Q Tecumseh got a wife? A Yes sir, he has got a wife.

Q What is her name aunty? A Named Sarah Holt.

Q Got some children? A Got one.

Q How old is it? A I don't know.

Q About how old, is it a child grown? A Yes sir, it is grown.

Q Is the child married? A No.

Q Boy or girl? A She is a girl.

Q Where did Tecumseh marry? A I don't know, I am forgetful, my head is not right.

Q You were present when he married? A No sir, I think he married in Oswego.

Q You wasn't there? A No sir.

Q Now Aunty, you came from St. Scott down to Vinita didn't you

A Yes sir, when I did come down there,

Q Not aunty, when did you come down there, how many years ago?

A My brother went up there and brought me down and these boys; went to get provisions, everything was very scarce down here at that time, and he brought me and the children down here; he said they were going to make a treaty and he brought us down.

Q And you come with you? A Yes sir, I come in his wagon.

Q Did he have a house here at that time? A Yes sir.

Q He had a little field? A Yes sir, small field.

Q What was your brother's name? A Andy Daugherty.

Q There was other people living around in the neighborhood were there? A Yes sir.

Q About what time of the year was it, April, May, June, July, August, September, spring, winter, summer or what? A It has been so long I don't remember.

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By Com'r Needles:

- Q Warm weather or cold? A I don't know whether it was warm or cold.
- Q By Mr. Hastings: How long had your brother been living down here when you came? A I don't know, he was living down here and had his house built when he brought me down.
- Q Been living here a year or two? A Maybe longer and maybe not so long, I don't know.
- Q How long did you stay down here with your brother at that time? A When he brought me down.
- Q Yes? A I stayed a year or two, I don't know.
- Q Then you went back to Ft. Scott did you? A Yes sir, I went back to Ft. Scott.
- Q What were you doing up at Ft. Scott? A Working around, trying to make an honest living.
- Q You lived in a Government building didn't you aunty? A Yes, I rented up there, took in washing.
- Q Before the war? A After the war.
- Q Did you know James Foreman? A No sir.
- Q How long was it until you come down to visit your brother again did you ever see him any more? A After I went up there?
- Q Yes? A Yes sir.
- Q How long was it until you saw him again? A Five or six months, maybe seven or eight, I don't know.
- Q You never had any home down here? A No, I rode my horse with him.
- Q Wherever you came? A Yes sir.
- Q Where were your boys when you went back up to Ft. Scott, were they up there with you? A John was cooking somewhere.
- Q Was he cooking up there? A (No reply.)
- Q Did Josh ever have a wife before he got this woman, live with another woman as his wife? A Not that I know of.
- Q Never had no children by any other woman? A Not as I know of.
- Q You were living up there in Ft. Scott when the Wallace payment was made wasn't you Andy? A No sir.
- Q Where were you? A I don't remember.
- Q How long did you live up there at Ft. Scott after the war? A I can't tell you.
- Q You spend pretty near all your days haven't you aunty, up to the Wallace court? A No sir.
- Q Did you work any down here before the Wallace court? A No sir, I haven't worked before the Wallace court, I have never been able, broke up with the rheumatism.
- Q About all the work you done was in Kansas? A I couldn't get no work here to do.
- Q I say about all the work you done was in Kansas? A No, not all that I done.
- Q What did you work for down here before the Wallace court? A Oh I went around waiting on women, and come home and set down and laid down; when I was called I would go.

By Mr. Smith:

- Q How old are you, Aunt Ruth? A About 55, that's the age they give me. I don't know my age. I was 10 years old the time the stars fell and the commissioners have been trying to get my age from that, I don't know.
- Com'r Needles: That was in '33 when the stars fell; I was there myself and saw 'em fall.
- Q What was it you said about having rheumatism? A I said I have rheumatism so I can't do very much.
- Q You live with one of your sons? A I live with Thomas.
- Q Were you a slave before the war? A Yes sir.
- Q And did you belong to? A William Hollis and Nellie Hollis.

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- Q Were they Cherokee Indians? A Yes sir.
Q Where did they live? A Webbers Falls.
Q How many children had you at the time the war commenced, besides Tecumseh? A Sallie and Betsey and Mennie and Joshua.
Q And who do you live with now? A I live with Tecumseh.
Q Was Tecumseh born before the war or after? A Before the war.
Q Is Bettie married now? A Yes sir.
Q Who is she married to? A Dennis Hicks.
Q Where is she living? A In Vinita.
Q How was Sallie named? A Sallie Miller, she married a man named Miller.
Q And lives at Vinita? A Yes sir.
Q Were these children whose names you gave born slaves? A Yes sir.
Q Who did they belong to? A William Holts.
Q Same person you belonged to? A Yes sir.
Q What was it you said about your brother coming after you up in Kansas, and about a treaty? A He went up there to buy provisions, everything in this nation was scarce at that time; he said he thought they would go up and get provisions and fatchure and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.
Q Who did he bring of your family? A Joshua, Tecumseh and Jennie.
Q And you? A Yes sir, brought four.

By Mr. Hastings:

- Q Bring your daughter Sallie? A No sir, she was down here long before I was.
Q She lives in Vinita doesn't she? A She lives in Vinita now, she did live in Vinita at that time; she was in Ft. Gibson and about Big Creek some where.

Applicant, JOSHUA HOLT, recalled, and examined by Com'r Needles:

- Q Esther Holt your mother? A Yes sir.
Q She is the witness that's on the stand here now? A Yes sir.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Bill and Nellie Holt.
Q They Cherokee citizens? A Yes sir.
Q She went to Kansas didn't she? A Yes sir.
Q When did she return? A '86.
Q Returned with you? A Yes sir, and my uncle and two brothers.
Q Where has she been living ever since that? A She lived on Big Creek a while, and she has been living in Vinita.
Q She never got back to Kansas afterwards? A Yes sir.
Q How long did she remain there? A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down on Big Creek again.
Q Did she have a home in this nation? A No sir.
Q Who was she living with? A With her brother up on Big Creek except when she was working out.
Q Was she married then? A No sir.
Q Her husband wasn't living then? A No sir.

By Mr. Hastings:

- Q How long has Tecumseh been living in Vinita? A I don't know how long he has been living in Vinita.
Q Well, your best judgment, has he lived there five years? A Yes sir, I guess he has been living this time close on to ten years, I can't tell.
Q You know where he came from? A I think he had been working on a railroad.
Q Where? A Down on this line, (indicating.)

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To the Court: I am thinking of having my name put on the list, I am not certain.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes of the same.

Subscribed and sworn to before me this June 12th, 1901.



James Holt

CONTINUATION OF THE CASE TAKEN BY STENOGRAPHER M. D. GREEN

JOSHUA HOLT, ET AL., Application continued. Former petition reported by Stenographer M. D. Green.

APPEARANCES:

Messrs. Mellette & Smith, for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

MORRIS RILEY, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH of Counsel for Applicants:

- Q State your name. A Morris Riley.
Q Where do you live? A Chelsea.
Q Do you know this applicant, Joshua Holt? A Yes, sir.
Q Did you know his mother? A Not very well acquainted with his mother, I knew him.
Q How long have you known him? A I don't know, sir, how long I have known him exactly.
Q How old are you? A 51.
Q Did you know him before the war? A No, sir.
Q When did you first get acquainted with him after the war? A First time I saw him I saw him on his uncle's place on Big Creek.
Q When was that? A It was some years ago, I don't know just exactly how long it was.
Q Who was his uncle? A Andy Daugherty.
Q Well give us your best idea, judgment, as to when it was if you can when you saw him? A Well, I don't know exactly what year it was.
Q How long ago was it? A I expect it must have been 21 years ago.
Q You hadn't know him before that? A No, sir.
Q You don't know whom he belonged to? A No, sir.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

- Q State your name? A Columbus McNaair.
Q How old are you? A 51 years of age.
Q What is your post office? A Vinita.
Q Do you know this applicant, Joshua Holt? A Yes, sir, I know him.
Q How long have you known him? A I have known him ever since he was a baby.
Q Did you know him before the war? A I knew him just a little before the war come up.
Q Do you know who he belonged to? A Yes, sir, belonged to William Holt.
Q Was William Holt a Cherokee Indian? A Yes, sir.
Q Do you know what became of Joshua during the war? A No, sir, I don't know nothing about him.
Q When did you first see him back in the Cherokee Nation after the war? A Well, sir, I just can't remember what time it was I saw him back.
Q Well, where did you see him when you saw him back? A The first time I saw him after the war was up here on Verdgris.
Q At what place? A Goose Neck Bend.
Q Do you know how long ago that has been? A Well, that was something before 1880.
Q Do you know how long before 1880? A No, sir.
Q Do you know where he was in 1880? A No, I don't know where he was in 1880.
Q Do you know where he was in 1866? A No, sir, I don't.
Q Did you know his mother, Esther Holt? A Yes, sir, I am acquainted with her.
Q Do you know where she was in 1866? A No, sir, I don't.

BY MR. HASTINGS:

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Q Where did you live before the war, Columbus? A Right across Grand river in Saline District.

Q Where did Joshua Holt and his mother live?

A In Illinois District.

Q How far was that from you? A When I got acquainted with them I was working at John Daniels in Canadian District.

Q How far were you working from him? A Just across the river there at John Daniels at the old place.

Q You were working there when the war came up?

A Yes, sir.

Q And you knew these people? A Yes, sir.

Q You didn't see them ~~after~~ for years after the war?

A No, sir.

BY COM'R NEEDLES:

Q Did you know Joshua's wife's father and mother? A Yes, sir.

Q What was their names? A Anderson Johnson was her father and Dinah was her mother.

Q Were they slaves? A Anderson Johnson was, I don't know anything about their mother.

Q Do you know whether they were married or not? A No, sir.

Q Do you know they lived together as man and wife? A Yes, sir.

Q How long? A I can't say, they were living together when I saw him.

Q Do you know how many children they had? A No, sir, I don't know how many children they had at all.

Q Where was that? A It was on Big Creek when I got acquainted with him.

Q After the war? A Since the war.

Q You never knew them at all before the war? A No, sir.

Q You know Jane you say? A Yes, sir.

Q Where was Jane living when you first knew her? A She was living there with her father.

Q Was she married? A No, sir.

Q Living with her father Anderson? A Yes, sir.

Q Do you know whether Anderson went out of the Nation during the war? A I wasn't acquainted with him.

Q ~~He~~ Don't know where he went and when he came back?

A No, sir.

BY MR. HASTINGS:

Q Did you ever know Joshua Holt in Fort Scott? A No, sir.

Q Did you know his mother, Esther? A No, sir, I never seen either one of them up there.

Q How long has Joshua been up to Vinita? A I ain't able to say, 12 or 13 years anyway.

Q How long has his mother? A She has been there about as long as he has.

Q How long has Tecumseh been there? A They come there together. They come there about the Wallace Court, before the Wallace Court, and been there ever since; Joshua lived there before that time.

Q The Wallace Court was in 1889 wasn't it? A I guess so, I didn't take any particular notice.

JOSHUA HOLT, the Applicant, recalled: BY COM'R NEEDLES:

Q Joshua, did Anderson Johnson, your father-in-law, go out of the Cherokee Nation during the war? A He was a soldier.

Q In what army? A In the 44th or 45th United States Infantry Colored, 45th I think.

Q Where was he discharged, do you know? A I think he was discharged at Fort Leavenworth.
Q When did he return to the Cherokee Nation? A '66.
Q How do you know that? A I saw him on Big Creek.
Q In '66? A Yes, sir.
Q Was his wife living there with him then? A Yes, sir.
Q Jane your wife living with him? A She was born on Big Creek.
Q You saw him there in '66? A Yes, sir.
Q Was he there when you came or you came before him? A He was there when I came.

COM'R NEEDLES:--Joshua Holt applies for the enrollment of himself, his wife, Jane, his two stepchildren, Laura and Ella Beason, and his own four children, Jessie, Willard, Clifford and Mancelia Holt. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, upon examination; neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony, and his elder stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his own children, Jessie, Willard, ~~Clifford and Mancelia~~, are identified upon the Kern-Clifton roll. His two children, Clifford and Mancelia, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Esther Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas, and that Anderson Johnson was a slave of a Cherokee citizen. He also avers that Anderson Johnson, father of his wife, was a United States soldier and returned to the Cherokee Nation in the year 1866, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah, being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order to establish the citizenship of his wife, Jane; and it will also be necessary for satisfactory proof of marriage to be made between Joshua Holt and his wife, Jane, in order to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts as set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Beason, and his four children, to-wit: Jessie, Willard, Clifford and Mancelia, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The fact that his two children's, Clifford and Mancelia, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

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A. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Commission to the Five Civilized Tribes, he correctly received the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 21st day of June, 1901.

D. B. Jones

Commissioner.

To be filed in case of Jane Holt, et al., DPH-444.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Ruth Shinnott for the enrollment of herself and 3 children as Cherokee Freedmen, being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Louis Brown, for the applicant;

Mr. W. V. Hastings, for the Cherokee Nation.

SAM WEBBER, being sworn by Com'r Needles, testified as follows:

BY MR. BROWN:

Q What is your name? A Sam Webber.

Q Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the mother and father of this applicant? A Yes sir.

Q You know whether they were ever married or not? A I couldn't tell you about the wedding, they were living together as man and wife.

Q Be recognized by the community? A Yes sir.

Q Were they living together as man and wife at the time it is applicant was born? A Yes sir.

Q You know this girl's sister, Mary Johnson? A Yes sir.

Q At the time she was born were they living together as man and wife? A Yes sir.

Q Did you testify for Jane Holt in the Joshua Holt case? A I did 3 years ago, I didn't this time.

Q You testified awhile ago in the Mary Johnson case? A Yes sir.

Q You didn't say anything about their marriage then? A No one asked me, I didn't have no right to unless they asked me.

Q When did you first see Anderson Johnson and the mother of this girl living together as husband and wife? A They come and settled down there, he married her somewhere and brought her there, I don't know where he married her.

Q When was it? A I don't believe I can tell you just when that was.

Q How long after the war was it? A I couldn't tell you that and be positive to it.

Q Was Anderson Johnson married man when he first came there? A No sir, he was a single man.

Q It was sometime after that when he married? A Yes sir.

Q Had he been married up to that time? A Up to what time?

Q Up to the time he first came up there after the war in '66 or you testified awhile ago? A He was single when he come down.

Q You don't remember how long after that when you saw him living with this woman? A No sir, I couldn't say positive, but they was living together as man and wife on the Creek there when he got killed, and had been for several years.

Q You remember just what year he got killed? A No sir.

Q You don't remember just about how long after he come down there? A No sir.

Q The circumstance of his getting killed isn't as great as the circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.

Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I tell you I never paid no attention to it, as many people married, I don't know the dates of all of them, and of course I didn't try.

Q I am not asking you, Mr. Webber, for exact date, but how long ago, now, when they first began living together, but about how long

COMMISSIONER
DEPARTMENT

Ruth Chinnett et al vs

years ago are you willing to testify you saw them living together?
 A I don't know, I couldn't be positive about that.
 Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have any.
 Q Do you have any idea how old this woman is, (indicating applicant)?
 A No sir, not exactly.
 BY COM'R HASTINGS:
 Q Well, Mr. Webber how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that, I can't raise them right there on the Black-throated blue.
 Q While they were living together as man and wife they raised a family? A Yes sir.
 BY MR. HASTINGS:
 Q You don't know where he got the woman? A No sir, I couldn't tell you.
 Q How far did they live from you? A About 10 miles I guess, as near as I can guess at it.

Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant identified on page 144, #3881 Chinnett, Holt, Coowassee District.

SAM WEBBER, WITNESS, re-called, and further examined,

BY MR. SMITH: (Of Nolle & Smith)

Q Did you know Jane Holt? A Yes sir.
 Q Whose wife is she now? A Josh Holt's.
 Q Whose child is Jane Holt? A That's Anderson Johnson's child, by Dinah, his wife.
 Q And the mother? A Dinah I said.
 MR. SMITH: If the Court please, I would like a copy of the statement of Sam Webber taken in this case, filed with D 644.

M. D. Green, being first duly sworn, states that as stenographer at the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony of Sam Webber in above styled case.

Subscribed and sworn to before me this August 27th, 1901.

[Signature]
 Commissioner

Supplemental Testimony in C.F. No. 244.

James Hall et al.

Deceased

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June, 28th 1901.

Mallotte & Smith attorneys for applicants present.

W. W. Hastings, present for the Cherokee Nation.

Mr. DANIEL SANDERS, being sworn by Commissioner T. B. Needlen, testified as follows for the applicant—

By Mr. Smith—

- Q What is your name? A. Daniel Sanders.
Q Where do you live? A. In the Cherokee Nation.
Q Do you know Anderson Johnson? A. Yes sir.
Q Do you know Bimah Johnson? A. Yes sir.
Q What relation are they? A. Mother and wife.
Q Where did you first know Anderson Johnson? A. In the Army.
Q Where did you first know his wife? A. At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A. Yes sir.
Q Who did he belong to? A. Ben Johnson.
Q Was he an Indian? A. No, he was a white man married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A. Yes sir.
Q What did Bimah Johnson belong to? A. She came from the station where he belonged to the Johnson family.
Q When did Anderson and Bimah marry? A. Before the war.
Q Do you know if they have any children or not? A. Yes sir they have.
Q What are their names? A. Mary was the oldest one I believe.
Q Do you know the names of any of the others? A. I never paid much attention to them.
Q Do you know where they are now? A. They are at Vinita.
Q Are they married or single? A. Mary is married.
Q Who is she married to? A. James Hall.
Q How is that Mary or James? A. James, yes it is James.
Q Who is the oldest then? A. James is.
Q You said a while ago that Mary was the oldest? A. I know that I think now James is.
Q And she is married to James Hall? A. Yes sir.
Q Do you know where James was born? A. In the Cherokee Nation.
Q Close to where you live? A. Yes sir about 7 miles.
Q Don't you know where Mary was born? A. Don't know where she was born.
Q Do you know any of the other girls? A. I think there was three girls in all.
Q Do you know the name of the other girls? A. I don't know.
Q Would you know it if you heard it? A. Yes sir.
Q Was it Bimah? A. Yes sir.
Q Where were these children born and married? A. In the Cherokee Nation.
Q How long has James been married to James Hall? A. Not sure of the date.
Q Do you know when Anderson Johnson came back to the Cherokee Nation? A. Yes sir in '93 with us.
Q Do you know when Bimah came back? A. I don't know exactly but they are they living or dead? A. Both dead.
Q Where did they die? A. Anderson got killed about 10 miles from here.
Q How long ago was that? A. I think it was in '93.
Q How long did Anderson and Bimah live together then? A. Until he died.
Q How long was that? A. I don't know exactly when he married.

must have been in the fall of '85

Q And from that time until he was killed they lived together? A. Yes sir.

Q Did they keep house up there? A. Yes sir.

Q Were they received in your community as man and wife? A. Yes sir I never knowed any difference.

Q What time in the year was it that Anderson Johnson came back here? A. Long in August '86.

Q What part of the Nation did he come to? A. Big creek.

Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.

Q On the roll of 1880? A. Yes sir.

By Hastings-

Q Did you know Johnson's wife before the war? A. No sir.

Q She was a state raised woman? A. Yes sir.

Q Where did you see her first to know her? A. In Kansas, I knowed her stepfather before that.

Q What was his name? A. Rube Funkhouse

Q Did she have any children before she and Anderson Johnson married? A. No sir.

Q How old was she when they married? A. She wasn't very old.

Q Were they married in Kansas? A. I think so.

Q Did he bring his wife with him when he came with you folks? A. Not the first time.

Q What time was it that he came down with you, what time of the year? A. Long in '86, long in the month of August.

Q Was that when some of you men folks come in advance? A. Yes sir

Q Did you have your family with you? A. No sir.

Q They all went back afterwards and brought their families? A. Yes sir.

Q When did Anderson Johnson bring his wife there? A. I don't know just exactly when it was.

Q Can't you be positive as to whether that eldest child was born in the Cherokee Nation or in Kansas? A. In the Cherokee Nation I think, I never heard of her having any children in Kansas.

Q How far did he locate from you? A. 7 miles, between 6 and 7 miles close to Albert Morris.

By Smith-

Q What time did Anderson Johnson bring his wife down there? A. I don't know exactly the time, shortly after that, shortly after he came himself.

Q What is your best judgment? A. Not long after he came himself.

Q As much as six months? A. Don't have been any longer.

By Hastings-

Q This woman has had some children born to her since her first husband was killed? A. I think so, yes.

Q What is that child's name? A. I don't know, it is a boy.

Q How long after her husband's death before this boy was born? A. I can't tell you that.

Q Two or three years? A. Yes sir I guess so.

Q He is about grown now? A. I haven't seen him for quite a while.

Q Don't know his name? A. No sir

WITNESSES CALLED AND SWORN AS A WITNESS FOR THE APPLICANT.

By Smith-

- Q What is your name? A. Nelson Sanders.
 Q Where do you live? A. On Big creek.
 Q Are you a citizen of the Cherokee Nation? A. I am.
 Q On the roll of 1880? A. I am.
 Q Do you know Anderson Johnson? A. I did.
 Q Did you know a woman named Dinah Johnson? A. Yes sir.
 Q Do you know what relation they were to each other? A. Man and wife.
 Q When did you get acquainted with Anderson Johnson? A. When he came out of the army.
 Q When did he come to the Cherokee Nation after the war? A. With us in our wagon.
 Q When? A. Long in the summer of '66.
 Q Was he married then? A. He was not.
 Q When did you first become acquainted with his wife? A. In Kansas.
 Q When did you first see her in the Cherokee Nation? A. I don't know exactly, several years after we came down hereabouts that I saw her down here.
 Q Where do you live? A. On Big creek.
 Q How far did you live from where Anderson Johnson was killed? A. About 7 miles.
 Q Did they have any children, Anderson and Dinah? A. They had several.
 Q Any girls? A. Yes sir.
 Q Do you know the name of the eldest girl? A. I don't know if I do or not.
 Q What are the names of those you remember? A. Mary, I don't know much about the girls.
 Q Do you know if any of their children are married? A. One is married to Josh Holt.
 Q Where does she live? A. In Vinita.
 Q How long did Anderson and Dinah live together? A. From the time they married until he was killed, I don't know exactly the number of years.
 Q How long since he was killed? A. I think about 16 years.
 Q Do you know when they married, Anderson and Dinah? A. I don't know the exact date, it was somewhere about 5 or 6 years after he came here.
 Q Did you see them married? A. No sir, but I know they occupied a house and kept house there and lived together as man and wife.
 Q How were they recognized by the neighbors there? A. As man and wife.
 Q Do you know when these children of theirs were born? A. No sir.
 Q Were they born while they were living together as man and wife? A. Yes sir.
 Q Where were they born? A. On Big creek, there where they lived.
 Q In the Cherokee Nation? A. Yes sir.
 Q Do you remember ~~which one of the girls Josh Holt married?~~ which one of the girls Josh Holt married? A. No sir I don't believe I remember her name.
 Q Do you know whether she is the eldest child or not? A. No sir I don't.
 Q Do you know where she was born? A. No sir not exactly, but to my best judgment they was all born in the Cherokee Nation on Big creek.

By Hastings-

- Q With whom did Anderson Johnson first live when he came down here?
 A. Where I live.
 Q You all first came down in August and then went back? A. Yes sir.
 Q You say Anderson wasn't married then? A. No sir.
 Q His wife was up in Kansas then? A. She wasn't his wife at that time.
 Q The woman that he afterwards married was in Kansas then? A. Yes sir.

RECEIVED
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[Handwritten signature]

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... before she married ...
... in Port ...
... at Anderson ...

... states that she ...
... reported in ...
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Chas. ...

... July 1899 or July 1900

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Ques. For what, being even stated that an endorsement is the best method to be first civilized it can be reported in full all the proceedings in the next issue and that the position is a full, and honest statement of the circumstances, both there and

Subscribed and sworn to before me this 10th day of July, 1964.

Oct 10

THE

File with F.D-644 (Joshua Holt)

F.D-644.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tulsa, Ok., May 21, 1902.

In the matter of the application of Mariah Johnson for the
enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-644.

APPEARANCES:

Lewis T. Brown for applicant.

W. V. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the
testimony taken by the Cherokee Nation in Freedman Doubtful 218 and
Freedman Doubtful 216; also the testimony of Leuben Sanders, as well
as that taken by the Cherokee Nation in Freedman Doubtful 201, be
made a part of the record in this case as well as in the case of
Rutha Chismott et al, D-646 and Joshua Holt et al, D-644.

COMMISSIONER: The request of the Nation will be complied with
and the testimony filed.

Arthur S. Breninger, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported in full the proceedings in the above case, and that the
forgoing is a true and complete transcript of his stenographic
notes thereof.

Arthur S. Breninger.

Subscribed and sworn to before me this 2nd day of July, 1902.

(Seal)

E. G. Reuter,

Notary Public.

I, the undersigned, a stenographer to the Commission to the
Five Civilized Tribes, do hereby certify on my official oath that
the foregoing is a true and correct copy of the proceedings in the
above cause.

Mabel T. Maxwell

Subscribed and sworn to before me this 29th day of July, 1902.

Prince C. Jones
Notary Public.

Supl. C. D. 4812. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD FRIGHT as a Cherokee Freedmen, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. S. Lavean, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of such applicant, Howard Wright to citizenship in the Cherokee Nation at the office of the commission in Muskogee, Indian Territory, on the 3rd day of March, 1903, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation treated by its representative, L. R. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.

Q Age? A 63 years old.

Q Place of residence? A Claremore.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q How long have you been such? A All my life, a little over 63 years.

Q Did you go out in the country during the war? A Yes, sir.

Q When did you return? A '66.

Q Where did you come to? A Came to Fort Gibson.

Q And stayed there did you? A Yes, sir.

Q Well what was your business? A After I come back?

Q Yes? A I followed freighting for something over three years.

Q Where and between what places? A Sedalia and Pleasant Hill

and Kansas City to Fort Gibson.

Q Were you ever acquainted with a Freedman by the name of Moses Whitfire? A Yes, I know him.

Q Where did he belong before the war? A He belonged in Goin' Snake District.

Q Do you know what particular Whitfire he belonged?

A I don't remember whether he belonged to George Whitfire or Lee Whitfire.

Q If you did see him when did you first see Moses Whitfire after the war, after your return to the Cherokee Nation?

A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Texas. There was between 24, from 24 to 26 wagons and I let them rest on this side of the Neosho River; Dick Whitfire, Moses Whitfire and Aaron Whitfire and old Major Wright is still now in the office.

Q Did you have any conversation with them, stop and talk with them? A Yes, sir, and Col. Bill Rice passed while I was talking to them going to Fort Scott.

Q Did you ask them where they was going to? A They said they was moving back.

Q Well this 25 or 26 wagons was loaded with people?

A Yes, mostly over and had household goods in them.

Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.

Q Well now that was where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.

Q How far from the Neosho River? A I suppose half a mile.

Q How far is on the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The same is the line, way I understand it.
Q You had reference to where the military road crossed the Neosho river? A Yes, sir.
Q At Jack McLean's ferry? A They called it Hudson Ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmore you met and talked with is the same one you knew in Going Snake and belonged to the Whittier family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you know? A I think Aaron Whitmore and Moses Whitmore and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmore lives now, Moses Whitmore you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Do you know he lives on Salt Creek near Wyand? A No, I don't know for certain I heard he lived on Salt Creek. I don't know where he lives. I have saw him ever since I have been here. I don't think I ever was at his house.

—o—o—o—o—o—o—o—

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Reason.

Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, N. C., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Ben J. Seaville, representing E. B. Lawson, for applicant.
W. M. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902, introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Seaville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Cherokee Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Book of the Cherokee Commission on Citizenship," as follows:

"No. 25 Edward Wright (Ex. 7th of June.
vs Cherokee Nation. (Answer filed.

Judgment against claimant June 27, 1898.

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same the following:

"No. 28 Major Wright (Ex. June 7th, statement filed
vs Cherokee Nation. on the 26 of June,
1st July set, 1st Aug.,
set for trial.

Judgment against claimant June 27th, 1898.

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1898, as found on pages 18 and 5 of book 8, entitled, "Citizenship record 1898," as follows:

"Before the Commission sitting at Tallahassee to review claims to Cherokee citizenship.

The undersigned claimant is the case of
Lewis Whitmire

vs
Cherokee Nation

respectfully presents the following statement of his claim according to the requirements of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the first and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and, again, the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimant's finally was accomplished to the point of the Nation settled by claimant for theirs and his home in the spring of 1867.

claimant's rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized to do by law.

This June 26, 1870.

Louis Whitmire.

By W. P. Boudinot, Atty.

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee citizenship.

In case of Moses Whitmire.

vs.

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by revision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Louis Whitmire as embracing the facts which the present claimant would submit to this Commission as the grounds of his claim.

Respectfully submitted,

Moses Whitmire.

By W. P. Boudinot, Atty.

June 26, 1870.

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Cherokee Court, Book A," page 239, case No. 60, as follows:

Case 80.

Aaron Whitmire.

vs.

Cherokee Nation.

Tahlequah.

July 2, 1870.

Mike Fields, a witness for claimant called and sworn. I am I think I am about 17 years old. I live in Illinois near let, C. N. an a citizen of the nation. I have been on the ground a long but had my rights proved up before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in 1862. I returned in August - 21st of 1866. I left my family in Fort Scott when I came. I came down to get an claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first got down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party gone with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Leola, Moso, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of creating homesteads. When I moved with my family I stopped on Pryors Creek at Mrs. Alberts and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were here and come here were authorized by others to locate claims for them, one was by MeKey requesting Abe Fields to locate for him. The original request filed.

Grass Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses. I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1868. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me and could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick & Fields.

his mk.

Aaron Whitmire

vs
Cherokee Nation,
called and sworn.

August 1, 1878.

Bluford Alberts, witness for claimant.

I reside in Coconawawee District, C. N. I am a Native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coconawawee District.

on the 3rd of September, 1866, I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Waxhills. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crompton's. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitire, and a younger brother and Lewis Whitire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whites were Aaron and George Whitire, Aaron, Lewis and his brother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if the Freedmen had got here. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves up or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river. I told him there was none there, but that there was a lot of cornmeal flour at Simon and if they would go there they would get some. He also represented that they had come down to take claims for others, who had remained in Kansas, to build them houses and so forth. They also stated that they were notified to come and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night, did not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare to go for themselves if necessary. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Grove Examined.

I heard after this word of them going back to Kansas. At the time I got that I do not know whether their families were with them. I think I saw some of the Whitires with this party, but am not certain of seeing Benjamin or Nelson. I know there was four of the Whitire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. F. Alberts

Aaron Whitire
vs
Cherokee Nation.

I know Melissa Gatliff. She was twelve or fifteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Fannie Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the River in coming down at Holcomb's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on lightning Creek in 1865 I saw Mr. Liberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Marian Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Heige, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was at Fort Scott, Kansas when we came on from Kansas. My family went at Fort Scott. Witness, in 1867, and my wife and myself were back at Fort Scott. Witness had no family. Aaron and Nelson did. Major, Louis, Nelson and Allen were Aaron's children and his wife, Sarah. They were born the wife and children in Fort Scott which was once in 1868. Mike Sanders, Tuck Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Heige and the families of those who had families all came so I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Marian Whitmire was in the Nation after the war closed was after our families returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Maria's father was named by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Lancaster was slain in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Albert as a witness in this case.

Re Direct.

Marian's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 55 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

Marian Whitmire,
Mark.

Case 63.

Aaron Whitmire & family)
vs) Claiming citizenship.
Cherokee Nation.

Now comes plaintiff by atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit:

Claimant is a colored person and claims an ancestor under privilege of the fifth specification of the classes of claims preferred by law to the Commission to acquire and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in the

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence. While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to live in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the six months provided for by treaty, in that having no residence to come to or other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Arnon Whitmore,

By Atty Wm. B. Bondinot.

Arnon Whitmore

vs.
Cherokee Nation.

August 1st, 1878.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cowassee County, Ok. I am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neesho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Arnon until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Moss, Lewis, Dennis and Nelson, Whitmore, Peter Neige, Mike Sanders, Sam Fobber, and Young Sam, Bill Fereran and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kansas, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. Nolan gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas or I left then at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know the owners before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at that time.

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time. I got them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire
Vs
Cherokee Nation.

July 4th 1872.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to going Snake his former home in the Nation and seven of claimant's brothers were behind on the road. Witness is a citizen of this Nation and knew claimant before the war.

Attest:

D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
Vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they would have their own schools so until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The town of Chatham in the same locality as that of the time mentioned above. In Oct. or Nov. 1866 I gave Chatham and other colored men permission to occupy the old fields in that neighborhood for the purpose of raising crops the year following. Louis Williams in the name of the other men, I also permitted to go on the old field. The summer of 1867 I and James and Louis Williams at work on the two fields spoken of. This gentleman of colored rank was the conductor of which in business and the raising of crops as usual as any in the nation. Some of these people have large and good farms all made by themselves since the war.

Witness taken a party of six gentlemen in the fall of 1868 and this colored party who settled on the creek alluded to in the neighborhood for the purpose as they sought the time of settling their homes. Several claims were then in sight of witnesses which the colored party said they had selected and are now the names of the party above indicated.

Agent James was at the time visiting said colored party. A delegation for W. H. Cheevers, Nelson and Washington. There were parties as witness learned from one as there was claimed to expect or arrive and from their taking this colored party at the time they were prospecting the country. This was advised by James and it was not done or carried out. Witness partly spoken of above had approached of Cheevers with one colored man. I am the sole author of this party except the colored man and possibly one other. Occupation of witness is herding wild cattle. I traveled a good deal in that neighborhood at that time spoken of.

Continued on page 221.

James Williams et al.) July 16th 1878

vs
Cheevers, Nelson,) John Wiley

Sworn to witness for Deft. I live in Boone, Boone Co. Ky. I first moved there in 1857 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I know James Williams. He returned or came to the Kentucky River to live in the month of March 1867. Also came to the same time with his wife, John Sanders, Sam Robey, Billy Roberts, with their families and others whom I don't recollect. Williams made a cross in the spring of 1867 on an old piece of land named. He had settled in Boone place before that.

James Williams

I don't know of any colored party at that time being in the Nation in the month of Decr. 1866 or before. I have heard of some who came in Sept. 1866 for that purpose. I know James Williams Williams lived at that time. I have seen goodly a place in Decr. 1866. I live on the west side of the river. Williams lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of anyone settling there in the part of the country in 1866 in the part who came in Sept. 1866. James Williams was not living but John Sanders, Sam Robey, Polk and a number of other persons. James was not living at that time. I know of no other party who came in Decr. 1866. I know of no other party who came in Decr. 1866. I know of no other party who came in Decr. 1866.

John Wiley

James Williams

(Page 221)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and now remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. F. Liberty.

Attest

D. L. Nicholson,
Clerk.

Aaron Whitfire

vs

Taken on May 16, 1870.

Cherokee Nation,

This day comes John P. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John P. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Subscribed and sworn to before me this 15th day of Aug., 1902.

Price Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Aaron Webber.
- Q How old are you? A 36 I think.
- Q What is your post office address? A Wymer, Cherokee Nation.
- Q What district do you live in? A Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to enroll anybody besides yourself? A Just myself.
- Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
- Q The you apply to any other Nation, the Creeks? A No, sir.
- Q Never drew any money from any other Nation? A No, sir, I didn't.
- Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
- Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~came~~ come with my brother Sam Webber.
- Q Is your name on the roll of 1880? A No, sir.
- Q Did you ever draw your strip payment money? A Yes, sir.
- Q How much did you draw? A \$15.50, and then I drew this other payment, this last payment, I drew it.
- Q You drew the last payment? A Yes, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
- Q Were you a slave before the war? A Yes, sir.
- Q Who did you belong to? A Tatie Webber.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q Where did you go during the war? A Went to Kansas.
- Q When did you come back from Kansas? A Came back in 1866.
- Q You been living here ever since? A Yes, sir.
- Q Are you married? A No, sir.
- Q Ever been married? A No, sir.
- Q Got no children then? A No, sir, I haven't.
- Q You are certain you came back in 1866? A Yes, sir, I did.
- Q Who did you come back with? A Sam Webber and my father.
- Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
- Q Did you ever try to have it put on? A Yes, sir.
- Q They refused to do it? A Yes, sir, must have, for it aint there.
- Mr. W. W. Hastings: attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
- Q Did you come the first time he came out here? A Yes, sir, I did.
- Q What time of the year was it? A '66.
- Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
- Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.
- Mr. Hastings: Was it the March after the treaty was made? A Yes, sir.
- Q You are certain of that? A Yes, sir, I am.
- Q And you came back with him at that time? A Yes, sir.
- Q Did he bring his family along then? A Yes, sir.
- Q His wife and children? A Yes, sir.
- Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.

Q How long before that was it when you came out? A I can't give the days of the month, how long it was we came out, but we came and put up a house one fall and went back and came right on down.

Q About how long did you stay out there when you had put up the building? A We stayed three or four days and then went right back and moved down.

Q What kind of buildings did you put up? A We put up a log cabin.

Q Out on Big Creek? A Yes, sir.

Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek. I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.

Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.

Q Name some old citizen who lives at the place now where you located then? A Sam Webber.

Q Does Sam Webber live at that place now? A He did live there but he don't live there now.

Q Who lives at the place Sam and you came to? A The Mcigs and Whitmires and Sanders, and a whole lot of them.

Q You have lived there ever since? A Yes, sir.

Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.

Q Do you know anything about dates? A I know when they say the year is out, and this year is in.

Q What year is this? A If I am not mistaken I think this is May.

Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.

Q You are satisfied in '09 you came here in March? A Yes, sir, Commissioner. Do you know when the treaty was adopted, know what month it was adopted in, the treaty, you hold Mr. Hastings you came here in the march after the treaty was adopted, you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.

Q Have you got any witnesses? A Yes, sir, Sam Webber and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Webber.

Q What is your age? A About 68, somewhere near about that.

Q What is your post office address? A Nowata.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the 1866 roll? A Yes, sir.

Q Do you know Aaron Webber? A Yes, sir.

Q Is he any relation to you? A He is my brother.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Talia Webber.

Q Was she a Cherokee citizen? A Yes, sir.

Q By blood? A Yes, sir.

Q There was no spring the war? A He was with us in Kansas.

Q When did he come back? A He came with us when we came back in July.

Q You came in July from Kansas and he came with you? A Yes, sir.

Q What year was that on? A In 1866.

Q He was a slave the same as you? A Yes, sir, same as me, with the same woman.

Q Suppose he was killed so the same rights you have got? A Yes, sir, have just the same right, because to the same parties too.

Q Mr. Hastings, what was it the way you if you say you brought him back? A He came in July, got married, and then back and moved down.

Q You had heard at the treaty passed? A We were right in the same month the treaty was made in Kansas and over took the delegates.

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself, I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.

Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day.

Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken?

A He is mistaken, he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 70.

Q What is your post office? A Wymer.

Q Are you a Cherokee Freedman? A Yes, sir, claim to be.

Q Your name is not on the roll of 1880, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Arlie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A Yes, sir.

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yankees neither one.

Q Where was Aaron Webber during the war? A He was with his father up in Kansas.

Q When did he come back? A He come back in the fall of '66.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation? A Yes, sir, lives right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as his.

Q You were in here this morning; your case was presented?

A Yes, sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

~~XXXXXXXXXXXXXXXXXXXX~~

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross
O. F. D. 350.

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants.

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)

- Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

(In Hearings)

- Q How long have you lived in Mound City, Kansas? A Since May 1857.
- Q What was your father's name? A James Walker.
- Q What was your mother's name? A Maria Walker.
- Q Was your father and mother here the first of the month? A Yes sir.
- Q They testified in this matter at that time did they? A Yes sir.
- Q Do you know Samuel Webber? A Yes sir.
- Q Did you know his son James Webber? A Yes sir.
- Q Where did you know them? A Near Mound City, Kansas, in the neighborhood where I live.
- Q Do you know the applicant here? You know? A I know him as Joe Webber.
- Q Is the the same fellow? (pointing) A Yes sir.
- Q Where was he living at the time? A He lived with the elder Sam Webber at the time.
- Q You know this applicant here is the same party? A Yes sir.
- Q Did you know a woman named Chloa? A Yes sir.
- Q What relation was she to Joe Ross? A Sister.
- Q Did you know Aaron Webber a little duck legged fellow? A Yes sir.
- Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
- Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemming.
- Q I mean in the year 1862? A His father bought the farm.
- Q Of whom did he purchase the farm? A Of Flemming.
- Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
- Q Did he marry before or after he moved from that country? A Before he moved.
- Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
- Q The date of the deed? A Yes sir.
- Q What was that date? A The date of the deed is October '60.
- (By Mr. Smith) Object to that if you have not the deed.
- (By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
- Q At that time, where was Sam Webber living? A On this farm that father purchased.
- Q Where was young Sam living at the time he married? A On this farm on the same place.
- Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chloa Grayson and Aaron Webber left that country with their women folks and came to this country? A According to my best recollection it was the latter part of February or early in March of '67. I can't state exactly the month, early in the spring of '67 though.
- Q Did they all move down at the same time? A All started together.
- Q Left there together? A Yes sir.
- (By Mr. Smith)
- Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
- Q How did you know it? A I recognized his countenance as one man knows another.
- Q How? A Well I saw him.
- Q Where? A Today.
- Q Where? A On the street.
- Q And you knew him as Joe Webber? A Yes sir, the same Joe Ross was not used much.
- Q When did you first become acquainted with old Sam Webber? A In '62 he moved on this farm.
- Q Which farm? A The farm on which I live in the neighborhood where I live, the old Flemming farm.
- Q When did you first see him? A In the fall of '66. I have forgotten the exact day, but it was in September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.

Q How long? A Three years--four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September of 1867 that your father bought that farm? A In '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemming.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.

Q Don't you remember that they did and that the old man came back by himself one time? A If my memory serves me, it was in '66, late in the summer, or early in the fall of '66.

Q What was in the fall of '66? A That they came down here--started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber came first.

Q How long do you think it was before you saw Sam Webber Jr. again?

Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped him? A Then two and the little boys I think worked too; Aaron did, I don't know but as the old two, I don't remember much about that.

Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the date absolutely? A Not to the day or month exactly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.

Q Do you remember of Sam Webber Jr. bringing any place to that country?

A Yes sir.

Q When was that? A In the fall or beginning of the winter of '66 and '67 he brought some horses and furs.

Q To refresh your memory, was it not in March? A March, that?

Q '66? A No sir.

Q Back that trip was that that he brought those horses? A He left and said he was coming back on a hunting trip.

Q Was that the trip that he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the first the short trip.

Q Do you remember of Sam Webber selling out a crop up here? A I don't.

Q Do you remember of them leaving there to come to the Territory to build some houses?

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.

Q Don't you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.

Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.

Q What dates have you looked up? A The purchasing of this land.

Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.

Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.

Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.

Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.

Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.

Q You didn't know then did you? A Yes sir after I thought it over.

Q How long did it take you to think it over? A I don't exactly remember.

Q Can't you give us some idea of it? A 2 or 3 weeks.

Q Were you here when your father testified in this case? A Yes sir.

Q Did you know as much about it then as you do now? A No sir.

Q How long was that from the time you had first been asked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.

Q What were you doing here then? A I was subpoenaed in another case.

Q You had been talking about this case then? A Not much.

Q How much? A A word or two.

Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.

Q You went back to Kansas? A Yes sir.

Q And came back here again to testify? A Yes sir.

(By Hastings)

Q You were subpoenaed by the Cherokee Nation? A Yes sir.

(Continued by Stenographer J. O. Reason)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Brace G. Jones
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O. Rossen, and afterwards dictated by him to stenographer M.D. Green.)

--00--

HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.

Q How old are you, Mr. Short? A 48.

Q What is your post office? A Mound City.

Q In the Cherokee Nation? A In Kansas.

BY MR. HASTINGS:

Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.

Q What was your father's name? A John Short.

Q Were you living there in the years '66 and '67? A Yes sir.

Q Were you living in town or in the country? A Living in the country.

Q Do you know Douglass Walker that left the stand? A Yes sir.

Q Did you know a colored man by the name of Sam Webber up there?

A Yes sir.

Q Do you know that young Sam Webber, his son? A Yes sir.

Q Do you know Joe Ross? A Yes sir.

Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.

Q Have you talked to him? A Just spoke to him.

Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.

Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.

Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.

Q Did you live on the same place in the fall of '66? A Yes sir.

Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.

Q Well now that time in the fall did you move into it? A Well now it was the last of October or the first of November, I went say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.

Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.

Q Were they living there when you moved? A That fall?

Q Yes sir? A They were living there then.

Q I will ask you what in your best judgment as to the time they moved with their families and left that country? A Well I could not say just now, for I have got nothing to fix them dates. The best of my judgment they left there in February.

Q February now of what year? A Of '67. I would say that, but now I ain't certain, I ain't got no opinion about what time they left.

MR. SMITH: Now I want to strike out the testimony to that effect, because the witness says that is his opinion.

Commissioner: We will take it for what it is worth and let the Commission pass on it.

BY MR. HASTINGS:

Q That is your best judgment? A Yes, sir.

Q That is your best recollection? A No response.

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Q You said I believe you knew they were there in the fall. A Yes sir, that is all I can state positively. I don't know how long they were there.

Q You know that by your mind? A Yes sir, that is the only thing I have got you know.

Q Do you know Joe's sister, Eliza? A Yes sir, there was a girl there called Eliza. I supposed it was Joe's sister.

W. MR. SMITH:

Q Mr. Ross, how old were you in 1865? A About 13 years old, September 9, 1865.

Q Now when were you asked first as to the time when Sam Webber left that country? A When you asked first.

Q Yes? A I think it was last Sunday.

Q Well you didn't know did you? A No, I don't know what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now. It was the best of my opinion they left in the morning. I got nothing to say that day or did not.

Q Where was Sam Webber, Jr. in February 1865? A I don't know.

Q Where was he in October, 1865? A He was on the beach.

Q Did you see him? A Yes, he was there, he hadn't moved, he came down here and went back again to the falls and the whole family was all there on the fall.

Q That was in the fall of 1865 was it? A Yes of 1865.

Q I am talking about 1865. A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course, well now do you know if you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know, he worked some for me.

Q Did he work for you in the fall of 1865? A Worked for my grandfather some.

Q That young Sam Webber? A Yes, sir.

Q You say you knew young Sam Webber, the younger of the two?

A Yes, sir. I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course I has been a long time from the time I saw him, from the time he left there until I come down here, saw him the first time at about 1865 or thereabouts.

Q What did you say about him being a doctor? I suppose he was a young man, I couldn't say as to that.

Q What about Joe Webber, was he a boy? A Yes sir, he was younger than me, I am not mistaken. I wasn't much difference in the age, but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did, they was there in 1865 but they was going and coming all the time, they came down in 1866 and located.

Q They came in 1866 and located? A Yes sir, but they was here and got their family.

Q Now you know only that they were there in 1865? A I know they were there in 1865.

Q You don't know what time in 1865 they was there? A They were there before 1865.

Q Well I am talking about what was the time in the spring of 1865?

A I couldn't say what time of the year, I don't know they were there all the time.

Q You don't know what time they was there all the time in 1865?

A No, I don't know what time they was there, I don't know what time they was there, I don't know what time they was there.

Q Now you are sure that they was there in the fall of 1865?

A Yes, I am sure they was there in the fall of 1865, I am sure they was there in the fall of 1865, I am sure they was there in the fall of 1865.

Joe Ross (sup'l) 7.

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back; I don't think.

Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron came back or not; I know Sam and the old man came back and got the family.

Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.

Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.

Q When did he tell you he had his cabin up? A In the fall of '66.

Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.

Q And now that final move when they took all the people out you think was in what time? I don't know, but it runs in my mind as February or March; I won't say anything about that.

Q What year? A '67.

Q You say you won't say anything about that? A I don't know whether it was or not.

Q You don't know whether it was or not? A No sir, that is a fact, but it runs in my mind it was.

Q Where was Sam Webber during the winter of 1866 and '67, the winter that commenced with December, 1866 and ends with February, 1867? A I think he was there.

Q Well, did you see him there? A Yes, I think he was there pretty much all the time.

Q Well do you know it? A I got no way to fix it; that's my opinion he was there.

Q You can't state it positively that he was, or was not? A I know most of them was there and I believe he was too.

Q You can't state that positively? A No sir, not unless I got something to fix the date.

Q You won't say that? A No sir.

Q How can you remember about Sam Webber coming up there in the spring of 1866 and bringing some of his hides? A No sir, I can't remember; of course then dates is a long time ago, now I have got these things fixed in my head that was in the fall of '68 I was moving from one farm to the other, and that was in the fall.

Q You didn't go off at that farm? A No sir, just moved from the west to the east side.

Q And you were a boy about 18 years old? A Yes sir.

Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.

Q Now about that now, about the death in the family? A There was a young man died in the family in '66, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move to his house at all.

Q You don't seem to be positive about any of these dates you give?

A Why I do, when the family moved over remember that fact.

Q I mean about Webber's movements? A They was all there in the fall of '66, they was all down in October or November one of the two months, because we moved then.

BY MR. BAKER:

Q Now you were a boy about 18 years old in 1866 did you? A No sir.

MR. BAKER: I object to that, it is not competent whether he moved there or not.

Q Did you ever come down to the farm of 1866? A No sir, I have got no way to fix it.

Q That is your best evidence about that? A Yes sir.

MARY A. BAKER, sworn to and examined by Commissioner Brock.

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Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.

Q How old are you? A If I live to the 31st of next month I will be 67 years old.

Q What is your post office? A Hantawa.

Q Is that in Kansas? A Yes sir.

BY MR. HASTINGS:

Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live 8 miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1957.

Q Were you living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglas Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Smith that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 105 steps; they used water out of my well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short one called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Ross? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of 1966? A Yes sir.

Q What was the date of it? A The date of the death.

Q Yes, madam? A Well it was in October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? I think it is, but I can't read it. I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well at the family record book of births and deaths appear this: "Franklin Hicks, was born November 7, 1894." A Yes sir.

Q And under the column of deaths appear "Died October 23, 1966" A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.

Q Don't know? A No I don't; you mean this Sam?

Q That name? A Oh the old gentleman; he lived up there by me I think; I am not positively he lived there then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Maria, living.

Q She was living? A Yes, sir.

Q Was she a member of this family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the sickness of your child? A Yes sir, she was up with me several days and if it was a bad night she would come in and sit up with me.

Q Did you have a sister or brother called Charles? A Yes sir.

Q Yes I would like to see you, Mrs. Hicks, as to the time old Sam Webber would call on you and if you had any children from that connection?

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.

COMMISSIONER: I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question? A About him being there?

Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A *

OBJECTED to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, or or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 125 yards from them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q He had recently purchased it? A Yes sir.

Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I ain't mistaken.

Q And you know these Webbers were living on the Walker place?

A Yes, sir.

Q Well what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I won't pretend to say anything I don't know; I don't want to meddle with, I didn't come down here to criticize or anything about it; I want to tell the truth as far as I know.

Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that, that one.

A Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I won't be positive, I guess, though it was in '66.

Q Tell about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't; but I recollect about it, he brought me back spine wood and ashtrays and.

Q Do you remember young Sam bringing some hides in to the community?

A No sir, I didn't charge my mind with anything like that.

Joe Ross (sup'l) 10

Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.

Q You don't know whether it was fall, summer or spring? A No sir, I don't.

Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.

Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.

Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.

Q You don't think that was? A No I can't, for several facts.

Q You can't state positively whether it was before or after Christmas, you can't swear it? A I wouldn't want to swear it either way.

Q Where did you move from to this place that you live? A Where did I move from?

Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.

Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.

Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.

Q You know of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.

Q Well is this Joe? A Well of course; ah that one, Joe Webber that one sitting there?

Q Yes? A I think it is.

Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.

Q Which one, the right one here, the black one? A Yes sir.

Q What is his name? A Joe he always called him.

Q And what is this man right here? A Sam, that is the way we always called him.

Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is, he was nothing but a boy when I saw him.

Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has grown out of my knowledge.

Q You don't know where the old man Sam Webber was in July '66 do you? A No sir.

Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A I don't think I have seen them after that but they didn't come down here in July.

Q You don't know when they did come? A No I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.

Q You don't be certain it was either of them? A I say they left, I was there and saw them go.

Q You would be certain it was either February or March? A I think they did, I am certain it was February or March.

Q You think so? A Yes sir.

BY MR. HARRIS: A Yes.

Q I was going to ask you if you knew when young Sam Webber married? A They said he married; I didn't see it down.

Q Did you hear of his marrying up there? A Yes sir.

Q Was that before or after he left? A It was before they left.

Joe Rosa

JANE SPEARS, being sworn and examined by Commissioner Brackinridge, testified as follows:

Q Give me your full name? A Jane Spears.

Q How old are you? A I am 16 years old.

Q What is your post office? A Mound City.

Q In the State of Kansas? A Yes sir Mound City, Kansas.

BY MR. HASTINGS:

Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?

A Yes sir.

Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.

Q And have you lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.

Q You moved a mile north of your mother? A Yes sir.

Q Do you know Douglass Walker? A Yes sir.

Q Do you know Harry C. Short? A Yes sir.

Q Do you remember at an early date just after the war some colored people that lived up there; one of them by the name of Sam Webber?

A Yes sir.

Q Do you remember his son Sam? A Yes sir, I know him.

Q Were you living with your mother at that time? A Yes sir.

Q Did you know Joe, that was living with them, Joe Rosa? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A I met them to-day.

Q Talked with them some? A Well I just spoke to Joe; Sam I did not.

Q Did he recognize you? A Well he let on as though he did; I don't know that he did; I suppose he heard we were here.

Q I will ask you if this is your mother's family Bible? A Yes sir.

Q That is the family record of the births and deaths? A Yes sir.

Q I will ask you if you had a brother by the name of Franklin Hicks?

A Yes sir.

Q Do you remember the date of his death? A Yes sir, October 23, 1866.

Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.

Q About how far from your mother's? A About 175 steps I suppose, in a cabin.

Q Short distance? A Yes sir.

Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.

Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSIONER: The counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either February or March.

Q Did you know whether or not young Sam Webber married up there?

A Yes sir.

Q Did you know whether that was before or after they left there?

A That was before they left there.

BY MR. SMITH:

Q Mrs. Spears, did you know Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.

Q When was that? A That was the first time they came down.

Q When was it? A That was in '66.

Q What month? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A (No response).

Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That must have been in the spring? A I don't know.

Q Well they don't make sassafras in the fall? A We used it for tea

Q It was not in the spring at all Sam Webber brought the sassafras?

A No sir, it was not; he didn't bring it at all; the old gentleman brought it.

Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.

Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.

Q Now who else was there? A Chlora was there.

Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.

Q Well now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.

Q All you know of? A Yes sir.

Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.

Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about? A This was drawn off from another Bible.

Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you?

A No sir.

Q You don't know that this is in the same handwriting? A No sir, it is not.

Q Now who wrote that date, October 23, 1866? A Park Nichols.

Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.

Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?

A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A FICKS, re-called for additional cross examination.

BY MR. SMITH:

Q Mrs. Ficks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well, I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I won't say sir.

Q You can give some sign? A Well I tell you now, I won't say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, if it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSIONER: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSIONER: It is ordered that the testimony just taken be filed in supplemental testimony in Cherokee Freedman Doubtful case 408, the same being the case of Clara Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman Doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

Joe Ross (sup'1) 35

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-406, of Chisum Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stand by the notes of JOHN C. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. C. Starr,

Notary Public.

BEAL.

To be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I. T., October 28th, 1901.

SUPPLEMENTAL TESTIMONY IN THE MATTER of the application of Joe Ross
O.V.D. 350.

Appearances:

V. V. Hastings, for the Cherokee Nation.
Mallette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 272, be made a part of the record in this case.

COMMISSIONER: It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 272, the same being the case of Jefferson Ross be filed in the case Cherokee Freedmen D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chloa Grayson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Jefferson Ross for the
... ment of himself and four children as Cherokee Freedmen.

Appearances:

Mallette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.

Q How old are you? A About 38.

Q Where do you live? A I live about two miles west of here.

Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.

Q Do you know this applicant, Jefferson Ross? A Yes, sir.

Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.

Q When did you first know him? A I got acquainted with him just after the war.

Q Where? A Here in the Nation.

Q About what part of the Nation? A He came to my house there on Big Creek in the Nation.

Q What time? A Along in the spring of '67.

Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.

Q Do you know where he was living at the time he came to your house? A He had been working on Big Creek he claimed and he was on his way hunting his sister.

Q Did you ever see after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.

Q Did you see him after that at his sister's? A I saw him then often and on for near about two years I guess.

Q Where? A There at Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.
 Q Was he a married or a single man at that time? A He was a single man to my knowledge.
 Q Do you know where he is living now? A No, sir, I don't.
 Mr. Hastings: You saw him around here for about two years?
 A Yes, sir.
 Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
 Q How long after that? A Must have been six months of a year after that I met him again there.
 Q You know where he was married? A No, sir, I can't tell you.
 Q Was he married at that time? A If he was I didn't know it.
 Q Did you know his wife? A No, sir, I don't know his wife.
 Q Did you ever see his wife? A Not to know it was her.
 Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
 Q What was her name? A Katie Thornton.
 Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
 Q What is his occupation? A I can't tell you.
 Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
 Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
 Q Has he got any special occupation like a carpenter? A Not as I know of.
 Q What is Katie Thornton's husband named? A Henry Thornton.
 Q Was that her husband at that time? A Yes, sir.
 Q With whom does this man stay now? A I don't know that.
 Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
 Q Did he have any children when you saw him? A I never saw them if he did.
 Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
 Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I don't remember what year.
 Q Before you came down here? A After I came down here.
 Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
 Q Well, you know what time of the year you were married? A I was married along in the winter.
 Q Was that the same winter you came, or the winter of '67? A It was along about it, I think in '67, it was after Christmas.
 Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
 Q What was your wife named? A My wife at that time was Linda Martin.
 Q When did you commence keeping house? A I went in my house when I first came there.
 Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
 Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
 Q And you don't remember when that was, what time of the year? A Along after Christmas, I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Chaever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A. R. Chaever

Sworn to and subscribed before me this 11th day of August, 1902.

B. C. Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 26, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman, she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Elizabeth Meigs.
Q How old are you? A I don't know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 11 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Cantralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 175, No. 2658, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 100 No. 2518, Elias Meigs, Cooweescoowee district.

- Q Did you ever go by the name of Daniel? A Yes sir that was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 182, No., 40, Elizabeth Daniel,

NOTE: Wife of Peter Hoigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:

Page 131, No. 2748, Elizabeth Hoigs, Calvescreech district.

- Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '66.
- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1880? A No sir.
- Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tell you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.

- Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did any one else come down? A I dont remember any one else now.
- Q Were you there when they started down? A We all come together I am a telling you.
- Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir.
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Ghetopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '66.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see any one from Ghetopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir.
- Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response).
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Who? A Lunie Riley was there on Verdigris, but not where we was living.
- Q How far from where you settled? A I dont know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Onages? A No sir, never saw none.
 Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
 Q And you have been there ever since? A Yes sir, ever since we moved there.
 Q You say your husband Peter Neige built a house there? A There a log house there and he bought the house and we moved to it.
 Q Who built the house if you know? A Henry Harold.
 Q Was he a colored man? A Yes sir.
 Q Is he living? A I don't know if he is or not.
 Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
 Q They didn't admit him then, did they? A I don't know sir.
 Q You know he was disputed? A I don't know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I don't understand what you say.
 Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my son enrolled us before he died.
 Q I mean in Court? A That is what I am a telling you.
 Q You know what a court is don't you? A Yes sir.
 Q What court do you know? A Harris Griston court.
 Q Any other court that you know of? A I know of the Wallace court.
 Q Any other? A No sir.
 Q Did he ever have anything done about his case by the Cherokee Council? A I don't know what was done, my son went there every year or two but I don't know what was done there.
 Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I don't know how long we were on the road.
 Q Have you any witnesses with you that you want to introduce? A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner E. R. Breakridge, testified as follows on the part of the applicant.
 (Examined by the Commission).

Q What is your name? A Ruben Sanders.
 Q How old are you? A I suppose I am about 50.
 Q What is your post office? A Centralia.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
 Q Who did you belong to? A James Sanders.
 Q Were you taken to Kansas during the war? A Yes sir.
 Q You have a wife named Alice have you? A Yes sir.
 Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 175, No. 2852, Reuben Sanders, Cowaswowa district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
 Q What court? A The Chambers court.
 Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.
 Q In what year was that? A I cannot tell what year it was
 Q Your citizenship had been disputed had it? A Yes sir.
 Q When was your right to citizenship first disputed? A It was
 during the time that Charles Ochseltz was chief.
 Q Was that before the 1880 roll was made? A Yes sir.
 Q Did the court decide in your favor? A Yes sir.
 Q Was there any dispute made then about your being put on the 1880
 roll? A No sir.
 Q Were you required to show a copy of the decision of the court
 in your favor when you went to enroll in 1880? A No sir.
 Q Did they ask you any questions when you went to be enrolled in 1
 1880? A No sir.
 Q Where did they take your name? A I was in Goodenack Farm, at the
 time.
 Q Do you know the applicant Elizabeth Meigs? A Yes sir.
 Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A
 Yes sir.
 Q Did he go before the court at the same time? A No sir, I think
 not.
 Q His wife's citizenship was also disputed? A I judge so.
 Q Did she go before that court? A Not to my knowledge.
 Q Did he go down to Tahlequah to the court before that time? A Yes
 sir I think he went down to the Hon. Daniels' court, think he went
 with my father.
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.
 Q Just a few years after the war? A Yes sir.
 Q In 1877 wasn't it? A Yes sir.
 Q Was any polling taken in that court? A I don't know.
 Q You were not there yourself? A No sir.
 Q You were about 12 or 13 years old when you came back? A Yes sir
 I guess so, I don't exactly know how old I was.
 Q You were not married then? A No sir.
 Q How long before you got home before you married?
 A Not very long after I got back.
 Q Did you marry on your way down here? A No sir.
 Q How long did you live here before you married? A I have been
 married to her.
 Q How long had you been here before you married the first time? A
 A Not very long.
 Q As much as a year? A May be so.
 Q Is that your best judgment? A My best judgment is perhaps that
 it was that long.
 Q When have you married to your present wife? A Towards or 30
 years, or so.
 Q How long did you live with your first wife? A Not very long, she
 died.
 Q A year? A Perhaps it was, maybe a little longer.
 Q Then you married your present wife? A Yes sir.
 Q When you came to the Cherokee Nation how did you come the first
 time? A In wagon.
 Q The first time? A Yes sir.
 Q Who came with you? A Several were on horse-back, it is beyond
 my knowledge how many there were.
 Q Tell all you can remember? A We made a trip in August and one in
 October and then we moved here in the winter.
 Q Did you come in August? A Yes sir.
 Q Who came with you then? A Some of this family, Peter Meigs and
 got his place, the heads of these families.

Q Who else came with you? A My brother Dan and the Whitmires.
 Q Which ones? A Several.
 Q Which ones? A Mose and Donals, and the Webbers.
 Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thomas, and Abe Hall, and I dont know who else, I dont know who all come.
 Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
 Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
 Q What was his first name? A Old man Genser Smith.
 Q You come in both of the detachments yourself? A No sir.
 Q Which one did you come in? A I come in August.
 Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
 Q On Big Creek? A Yes sir.
 Q Where Mrs. Heigs lives? A Yes sir.
 Q And you returned in October, how long did you stay in October.
 Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look but home, we all come with the intention of making our homes here.
 Q When did you afterwards move here the last time? A In the winter of '66 is when we came down here the last time.
 Q What time in the winter? A Long in January.
 Q You mean in '67.
 Q No, in the winter of '66.
 Q If you come here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of '66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Heigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
 Q That was your first coming was it? A Yes sir.

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
 A This family is one, her, the Heigs family, Peter Heigs, Elizabeth Heigs, Mary Heigs, George Heigs, Eliza Heigs, Harriett Heigs, Henry Heigs, that is all that I can remember of that family.
 Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.
 Q Who else? A He had several children.
 Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
 Q Were any of the Webbers along? A Yes sir.
 Q Old man Sam and young Sam? A Yes sir, I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I had forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
 Q Did young Sam come? A Yes sir.

By the Commission:

- Q Dont you remember any one else? A Rachel Webber.
- Q Do you think of any one else? A No sir.
- Q You know that it was a mooted question before the Kerna Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
- Q You know that there is a question about who came dont you? A Yes sir I guess I do.
- Q You say you came to Big Creek? A Yes sir.
- Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
- Q Did you cross the river there? A What river.
- Q Neosho? A No sir.
- Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
- Q You came through what is Chetopa and came on west through the prairie? A We may have.
- Q You were in Wagons? A Yes sir.
- Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
- Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
- Q Then the houses were not built before you moved there with your families? A Yes sir some were, thors there were logs on some up 8 or 10 logs high.
- Q Then there were none really completed until you moved there with your families? A No sir.
- Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
- Q Do you know Jim Martin? A Yes sir.
- Q How far does he live from you now? A 4, 5 or 6 miles.
- Q Was he living there when you people moved there? A No sir.
- Q He had a brother names William Martin? A Yes sir.
- Q Was he living out there then? A No sir.
- Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
- Q Was his name Dick Carter? A I think it was.
- Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
- Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.
- Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

- Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?
- A Yes sir.
- Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home; that it was open for us to come.
- Q You didn't bring your families with you then? A Only part of them and some things that we had.
- Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself? In August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir, not all of them came in October.

Q Where was Peter Meigs in October? A He come with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October? A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here? A Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You state here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and made your third and last trip? A Yes sir.

Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1886, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to take ~~further~~ further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

- Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

- Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don't.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~error~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,

Commissioner.

File with Cherokee Freedmen D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Hills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-401, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;

L. E. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 39.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Q Then was his children? A Then was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

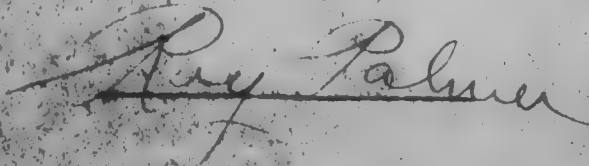
Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. E. Needles,

Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.


Ray Palmer

Subscribed and sworn to before me this 8th day of August, 1902.


Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D. C., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee freedman; introduced on part of the
Cherokee Nation.

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on
part of the Cherokee Nation:
MR. DAVENPORT:

- Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67,
including most of '67.
Q Was there any railroad running in or through Vinita when you
first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from
Kansas through the Indian Territory, that is, the K. K. & T.?
A Well, I will tell you what I know about the railroad; The rail-
road came through the country in 1870, and on the application of
the Cherokee Nation, a complaint to the Secretary of the Interior,
they stopped building and during the session after 1870 of the
National Council of the Cherokee Nation, they passed an Act there,
it is dated the 14th of December, 1870, authorizing the furnishing
of cross-ties to the railroad, and agreeing that the railroad could
go through. The secretary hadn't determined which had the right-of-
way. They had begun it in 1870 and the K. K. & T. got the right-of-
way, and then they authorized the selling of cross-ties, and I went
to Okotopa and made a contract with the company for cross-ties
enough to build from the Kansas line to Pryor Creek and sublet it.
Mr. Martin was one I sublet to, that was in 1870 that contract
was made, I don't recollect the exact date. Well, just a few days
following that we began getting cross-ties and then worked on down
to the Creek Nation. That was the first railroad built in the
country and first cross-ties was cut on the railroad in this
country.
Q You don't know anything about the wife of Beck or anything about
them? A No, I don't.

C. D. MARTIN, being duly sworn, testified as follows on
part of the Cherokee Nation:
MR. DAVENPORT:

- Q What is your name? A C. D. Martin.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here, never left except during the war.

Q Where did you live before moving to Tanlequah? A Lived on Grand river east of Choteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the K. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '72.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commissioner: This testimony will also be filed in and made a part of the record in Cherokee Freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A. R. Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

[Signature]

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wartburg, I. T. May, 13, 1902.

In the matter of the application of Elisabeth Neige for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. S. Brown.

MRS. LYDIA HARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A Mrs. Lydia Harton.
Q What is your occupation? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the County in what Fort Scott is located? A Yes, sir.
Q Have you an official stamp? A Yes, sir.
Q What is it? A Our official stamp at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official stamp was in December, 1896, and up to and including March of 1897? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December 22, 1896, up to and including March of 1897? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation is in evidence the account found in the Fort Scott Monitor of the Wednesday, December 22, 1896, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Does not the agent by his affidavit and objections to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and merely hearsay.

COMMISSIONER: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder."

Shooting of Dr. Hayford.

Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of William and Miller Streets, and was a very quiet, unobtrusive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the back of a store which Mr. Hayford had placed on the corner, outside the door of his store, was stolen. Being raised almost immediately, and learning that the boy had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mill,) Mr. Hayford jumped on a horse and started toward the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mill, where Mr. Hayford lay found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Barrows was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. D. F. Drake, Joseph Ray, Frank Gough, Porter Phillips, John Warden, and E. L. Phillips. The body of Mr. Hayford having been removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Red told me D. F. Appleby had a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Mr. Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other hanging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder. (evidently fired, as I think, after he was on the ground.) The surgeon testified that any of the three wounds found on his body would have been fatal.

Alonzo Cullin, (colored) sworn - was at Hayford's Saturday evening, just after six o'clock, came on horseback, left by horse at the door, went in and found Hayford alone and coming toward the door. Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the back of the door when I went in; Hayford came out and the flour was gone. I asked who was there when I came in, and I told him; asked him to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right and left; I inquired if he had a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my gun; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot; before I heard the firing. When I saw Mackey at Hayford's he was on a soldier's coat, it was of m. s. I found him with the flour. Didn't notice that at any time Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had got him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the mill, he said he would go and get Mr. Hyatt to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard these words distinctly.

Harry Lender, (Coker) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun, didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town, whistling. Mr. Jones found the sack of flour at the edge of the creek, looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

R. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. - Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Adams Gullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Hall, sworn - Saturday night I was at Kippy's and heard a shot fired, and soon after heard a man hailed; ran out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself ran down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the scene I saw it was a pistol that was fired. Came to town to find Mr. James, Deputy Marshal.

The coroner's jury returned to the justice their indictment, stating that Hayford came to his death by gun shot wounds received at the hands of Eli Mackey. They also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Warrave, and will be brought to court for trial at the next April term of the District court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation; and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles F. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charles Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Jefford last winter. All reports indicate that he has always been a character of a thoroughly a parallel in the annals of history for desperation

and bloodthirstiness. -- We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. Kistow has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always deprecated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vain -- on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '32.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66? A Yes sir; I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth. Yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Ed Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.

Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him. I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.

Q Twenty minutes? A Yes, sir.

Q Had it become generally known at the time of the arrest? A No, sir.

Q There was no time for the public to know? A Only a few people knew. I heard the shots fired myself and run down there.

Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.

Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.

Q Was he put in jail? A Yes, sir.

Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.

Q Of February following, of '87? A Yes, sir.

Q Well did he make his escape? A He got away.

Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.

Q Ed Coe was the turnkey was he? A Yes, sir.

Q I will ask you then if there was any searching parties out for this man? Yes, sir.

Q For how long? I think he was killed on the 30th of March.

Q From then about the 26th of February until the 30th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.

Q Well were there quite a number of people out searching for him? A Yes, sir.

Q Considerable excitement at that time? A Yes, sir.

Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.

Q Up until that time? Yes, sir.

Q You say that was for about three weeks? A Yes, sir, something over three weeks.

Q From the 26th of February up until about the 30th of March? A Yes, sir.

Q Do you know whether this Ed Hackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.

Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.

Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Hackey until he broke jail.

Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any. He was in jail, he got out over half an hour after he shot Hayford. I heard the shot that killed Hayford.

Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone. I lit a match and he was too far gone to speak.

Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.

Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. H. C. Jones.

Q What is your postoffice? A. Fort Scott.

Q Kansas? A. Kansas, yes, sir.

Q What is your age, please sir? A. 66.

Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A. I was.

Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A. I was.

Q What office was that? A. City marshal, called town constable.

Q You was a city policeman? A. Yes, sir.

Q Did you assist in his first arrest? A. I did.

Q Who assisted you in the arrest? A. Mr. Benjamin Files.

Q This man that's present here? A. Yes, sir.

Q Did you hear the shots that killed Hayford? A. I did.

Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?

A. 20 or 25 minutes, inside of a half hour at most.

Q Very short time? A. Yes, sir.

Q Had any houses or wagons or anything of that kind been searched in the mean time? A. No, sir, there was no knowledge.

Q People didn't generally know it up to that time? A. No, sir.

Q Put in jail then? A. He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.

Q Well how long did he remain in jail, do you remember? A. Why I think something like six weeks or more.

Q Well the Fort Scott Monitor puts it about February 28th? A. I presume that was right, it was correct. It was hard for me to remember exactly.

Q Well he remained in jail up to that time? A. Up till that time, he was not out of jail except while he was under guard.

Q He made his escape then? A. He made his escape, yes, sir, at the time.

Q You know how long he was at large? A. Well I put it something like three weeks.

Q I will ask you if there was any searches at that time made for him?

A. You mean after?

Q Then he got away after February 28th? A. Oh yes, sir, there was considerable hunt for him at that time.

Q Reward offered for him? A. Yes, sir, reward offered.

Q People searched around in the country for him? A. There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.

Q He was afterwards captured was he? A. Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.

Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A. He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSIONER: You are positive about these dates? A. To the best of my knowledge now, I would have put it, that is a week before the holidays, and I knew it was only a few days before Christmas when the killing was done.

Q '67? A. In '66 the killing was done.

Q Few days before Christmas of '66? A. Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber Detachment, be introduced and made a part of the record in this case.

MR. BROWN: Come now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day. For the reason that it is inconsistent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be denied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: Nos. B-384, D-396, D-398, D-401, D-402, D-404, D-407, D-773, and in D-381, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(Signed) Philip G. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1902.

Bruce G. Jones
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1908.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitacre, Trustee for the Freedmen, vs The Cherokee Nation, No. 17809, filed in the Mariak Hayden case F. D. 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariak Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Joshua Hall, D 644,

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariak Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

By Mr. Smith:

The applicant further moves that as to the above named cases including the Mariak Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and perfect transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

(C.M.McR)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Tecumseh Holt, et al., as Cherokee Freedmen, consolidating the
applications of

Tecumseh Holt,
William Holt,

Cherokee Freedmen D-653
Cherokee Freedmen D-694.

DECISION.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Tecumseh Holt for himself and by William Holt for himself. A copy of the testimony taken at Chelsea, Indian Territory, on June 10, 1901, in Cherokee Freedmen D-644, and a copy of the testimony of Sam Webber taken at Nowata, Indian Territory, on June 26, 1901, in Cherokee Freedmen D-866, are filed herewith and made a part of the record in this case.

The evidence shows that the applicant, Tecumseh Holt, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. The evidence further shows that the applicant, William Holt, is the son of the said Tecumseh Holt; that he was born since 1866 and has no right to enrollment except through his said father.

It does not appear that either of the applicants is identified on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Tecumseh Holt and William Holt as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tam Bixby
Chairman

(Signed) T. B. Needles
Commissioner

(Signed) C. R. Breckinridge
Commissioner

Muskogee, Indian Territory (Signed) W. R. Stanley
this Mar 5 1904 Commissioner

To be filed in the case of *Matt Holt et al.* No. 44

(C.M.McR.)

Cherokee Freedmen R-186
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Moses Holt as a Cherokee freedman.

DECISION.

It appears from the record herein that Moses Holt appeared before the Commission at Vinita, Indian Territory, on October 21, 1901, and made application for his enrollment as a Cherokee freedman.

The evidence in this case shows that the applicant, Moses Holt, was the slave of a Cherokee citizen at the commencement of the rebellion; that during the rebellion he left the Cherokee Nation and did not return thereto and establish a residence there ~~in within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the return of Cherokee freedmen to said Nation.~~ The evidence further shows that the applicant returned to the Cherokee Nation temporarily about the year 1866, but that he did not establish a residence therein but went to the State of Kansas, where he has since resided. It appears from his testimony that he has voted in Kansas and otherwise exercised the rights and privileges of a citizen of that State.

It does not appear that the applicant herein is identified upon the 1880 authenticated Cherokee Roll.

It is therefore, the opinion of this Commission that the application for the enrollment of Moses Holt as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(Signed)

Tams Bixby,
Chairman

(Signed)

T. B. Needles
Commissioner

(Signed)

G. R. Breckinridge
Commissioner

Commissioner

Muskogee, Indian Territory,

this Apr 20 1904

(C O P Y)

(F.P.T.)

Cherokee Freedmen D-645.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Esther Holt for
enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on June 10, 1901, Esther Holt appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Copies of the testimony taken at various times in the cases of Joshua Holt, et al., and Sallie Miller are made a part of the record herein.

The evidence shows that the applicant, Esther Holt, was the slave of a Cherokee citizen at the commencement of the rebellion; that during the rebellion she left the Cherokee Nation and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation.

The name of said applicant is not found on the 1880 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the application of Esther Holt for enrollment as a Cherokee Freedman should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(Signed) Tams Bixby
Chairman

(Signed) T. B. Needles
Commissioner

(Signed) C. R. Breckinridge
Commissioner

(Signed) W. E. Stanley
Commissioner

Muskogee, Indian Territory,
this Mar 5 1904

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Joshua Holt, et al.

644

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

(C. P. N.)

U.S. 19424-1904
I.T.D. 1942-1904
1942.

DEPARTMENT OF THE INTERIOR
Washington, June 2, 1904

Commission to the Five Civilized Tribes
Muskogee, Indian Territory.

Gentlemen:

May 7, 1904, you transmitted the report in the matter
of the Application for the allotment of House Lot 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
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DEPARTMENT OF THE INTERIOR

WASHINGTON

JUNE 22, 1904

D.C. 21708-1904
I.T.D. 5012-1904
D.R.S.

Commissioner to the Five Civilized Tribes
Muskogee, Indian Territory
Gentlemen:

March 24, 1904, you transmitted the report on the consolidated case embracing the applications of Tawney and others (I.T.D. 5012, D-504) for assignment as Cherokee traders, asking for your decision of March 5, 1904, regarding said applications.

Report of June 17, 1904, from Acting Commissioner of Indian Affairs recommends that your decision be approved. Copy of his report is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Signed

E. A. Hargrove
Secretary

cc - Muskogee

U.S. 2241-1904
U.S. 2004-1904
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DEPARTMENT OF THE INTERIOR
WASHINGTON

June 20, 1904

Memorandum to the Five Civilized Tribes

Muskogee, Indian Territory

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application of Esther Hall (U.S. 245) for enrollment as a Cherokee Freedman, including your decision of March 5, 1904, rejecting said application.

Reporting June 15, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed herewith.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed)

W. F. Miller,
Acting Secretary

1 Enclosure

Cher Fr D 645

Cher Fr D 645

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHULSMA, I.T., JUNE 10th, 1901.

In the matter of the application of Esther Holt for enrollment as a Cherokee Freedman; said Holt being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Esther Holt.
Q What is your age? A About 35; they brought me from Tennessee with them.
Q Your post office is Vinita? A Yes, sir.
Q Were you a slave during the war, before the war? A Yes, sir.
Q To whom did you belong? A William Holt and Nellie Holt.
Q Where were you born, Esther? A Back in Tennessee.
Q Well, when did you come to the Cherokee Nation? A I came to the Cherokee Nation at the time they treated with Georgia.
Q At the time the Indians came from Georgia and Tennessee?
A Yes, sir.
Q You came along with your Master and Mistress? A Yes, sir.
Q Well did you live with them as a slave until the war came up between the North and South? A Yes, sir.
Q Then where did you go? A I went to Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q When did you return, come back? A '66; I mean that is what the? say.
Q You come with your son, Joshua? A My brother went and brought me down.
Q Did your son Joshua come with you? A Yes, sir.
Q Is your name on the roll of 1880, do you know, Es her? A I do n't know.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name found not found thereon/
The Kern-Glifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 128, #3040, Esther, Holt, Cooweescoowee District.

- Q Were you ever married to anybody except Holt? A No, sir; in them days before the war people wasn't married li, a they do now; we took up together and my man died in the war.
Q Never had any man since? A No, sir.

COM'R NEEDLES: Esther Holt applied for the enrollment of herself: She is duly identified upon the Kern-Glifton roll but cannot be identified upon the authenticated roll of 1880. As to proof of her citizenship and residence reference is made to the testimony taken in the case of her son, Joshua Holt, who has this day been listed for enrollment as a Cherokee Freedman upon beautiful card #644, and the testimony taken in said case will be made a part of the record in the case at bar and a copy of the same will be filed herewith. She will be listed for enrollment as a Cherokee Freedman upon a double trial card. The final decision of the Commission will be made known to her by mail.

J. O. Ransom, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 10th, 1901.

[Handwritten signature]

Commissioner

To be filed with case

Re: Helt, J. V. 3-4-44.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
OKLAHOMA, U.S., JUNE 10, 1901.

In the matter of the application of Joshua Holt for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

APPEARANCES:

Mr. Smith, of McKee & Smith, for applicant;
Mr. V. V. Hastings, for the Cherokee Nation.

- Q What is your name? A Joshua Holt.
Q How old are you? A 32.
Q What is your post-office address? A Vinita,
Q What district do you live in? A Coconawapocwa.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton.
Q Not on the roll of 1880? A No, sir.
Q Who do you want to enroll besides yourself? A My mother first.
Q Well the second? A My wife, and children and self.
Q Where is your mother? A She is out there.
Q She has passed for some time? A She is so old she don't have any
Q How old is she? A She is pretty near a hundred years old, and
Q Not able to give an answer.
Q Can't you let your mother come and apply, and you can
Q be a witness for her.
Q Your wife and children, you say? A Yes, sir.
Q What is your wife's name? A Jane Holt.
Q How old is she? A 32.
Q What are the names of your children? A Laura Holt.
Q How old? A 19.
Q Next one? A Ella Holt, 13.
Q Next one? A Jennie Holt, 10; Willard Holt, 9; Clifford Holt,
Q Lancelia, three months old.
Q That's six children? A Yes, sir.
Q Are those children all living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q What was your wife's father's name? A Anderson Johnson.
Q Was he a Cherokee Freedman? A Yes, sir.
Q When did he die? A About 20 years.
Q What is her mother's name? A Dinah.
Q Is she living? A No, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q In your wife's father's name on the roll of 1880? A No, sir.
Q Is her name on the Wallace-Clifton roll? A Yes, sir.
Q Is it on the Wallace roll? A Yes, sir.

Wallace-Clifton pay roll of citizens of the Cherokee Nation
examined and applicants identified therein as follows:
Page 147, 1880, Josh Holt, Coconawapocwa district;
page 147, 1880, Laura Holt, Coconawapocwa district;
page 144, 1880, Jane Holt, Coconawapocwa district;
page 147, 1880, Ella Holt, Coconawapocwa district;
page 147, 1880, Jennie Holt, Coconawapocwa district;
page 147, 1880, Willard Holt, Coconawapocwa district;
page 147, 1880, Clifford Holt, Coconawapocwa district.

- Q You didn't draw for Clifton, did you? A No, sir.

Wallace roll of citizens of the Cherokee Nation examined
and applicants identified therein as follows:
page 117, 2247, Josh Holt, District, Fort Scott, Kansas.
page 117, 2247, Jane Holt, Fort Scott, Kansas.
page 117, 2247, Laura Holt, Fort Scott, Kansas.

ESTHER HOLT, being sworn and examined by C. H. Harkles, testi-

Q What is your name? A Esther Holt.
Q How old are you? A About 55.
Q What is your post office? A Vinita.
Q What district do you live in? A Cowlesnowan.

APPLICANT recalled, and further examined: By Mr. Smith:

Q How old are you? A 55.
Q Where do you live? A Vinita, Indian Territory.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Bill and Nellie Holt.
Q Were they citizens of the Cherokee Nation, Indian Territory?
A Yes, sir.
Q Where were you when the civil war commenced? A I was at Webbers
Falls, Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A Fort Scott, Kansas.
Q When did you return to the Cherokee Nation first after the war?
A '66, in August.
Q Who was with you? A My mother, my mother and two brothers.
Q What was your brother's name? A Tecumseh Holt and James Holt.
Q Where is James Holt? A I have not saw James Holt for twenty
years.
Q You don't know where he is? A No, sir.
Q Where is Tecumseh Holt? A He is here somewhere.
Q Where does he live? A Vinita.
Q What is your mother's name? A Mother Holt.
Q What was your father's name? A Jonas Pack.
Q Where did he die? A He died when the emigrants left this
Nation going to California, about 1842.
Q You speak of your mother and yourself and brother Tecumseh and
another brother named James, coming here to the Cherokee Nation
after the war in '66, where did you come to? A Came to Big Creek.
Q Near what point of the country is developed now? A I don't
understand you.
Q I mean to say at what point on Big Creek did you come?
A Near about in the settlement you have reference to.
Q Yes? A Up there about where Nathan Johnson lives and Mike
Whitlire.
Q Near what place is that now? A It was on George Duffin.
Q I mean as to what post office is it now? A Near Edna, Kansas.
Q How far is it from where Edna is now? A I don't know, Hudson
may be closer I think, Hudson post office is nearer than Edna, Kansas.
Q You think it is nearer that is now Hudson? A Yes, sir.
Q How long did you live there at that place you have mentioned?
A I lived there up and down and go there and back again.
Q Well, you were there about how long? A I can't tell exactly how
old I was about that time.
Q Were you married? A I was unmarried at that time.
Q When did you marry? A I married in 1869.
Q Were you ever married before that? A No, sir.
Q Were you a single man from '66 up to 1869? A Yes, sir.
Q Do you mean '66, three years ago? A 1866.
Q Then you were mistaken when you said 1869? A Yes, sir, I was
mistaken.

Q Where are these children, Laura Holt, Ella Holt, Jesse Holt, Willard, Clifford and Maucellia? A They are living in Vinita.

Q How long have they been living there? A They have been living in Vinita I guess for 12 or 13 years.

Q They are living with you? A Yes, sir.

Q You stated that you worked around from place to place, where was your mother after you come back to the Cherokee Nation? A She was there sometimes and she worked off sometimes and worked and come back again.

Q Where does your mother live now? A Vinita.

Q How long has she been living at Vinita? A I guess 13 or 14 years.

Q Was your mother a slave? A Yes, sir.

Q Who did she belong to? A Hill and Nellie Holt.

Q The same persons you have mentioned in your own testimony? A Yes, sir.

Q Where was your mother when the civil war commenced? A Webbers Falls, Cherokee Nation.

Q Did she or did she not go out at the same time you did? A She went out at the same time I did.

EXAMINED BY CONR. NEEDLES:

Q Do you live in Vinita? A Yes, sir.

Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason, I didn't appear at that commission.

BY MR. HASTINGS:

Q Your present wife is the only wife you have ever had? A Yes, sir.

Q You testified that you married her in 1889? A 1889.

Q Your oldest child is 19 years of age, you have given, Laura? A Yes, sir, she is my stepchild, my wife's child, Laura and Ella both.

Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes, sir.

Q Did you then say anything about their being your step-children? A I think I did, I am not certain.

Q What was your wife's maiden name? A Jane Johnson.

Q Where was she born? A Big Creek, Indian Territory, Cooweescoowee district.

Q How old is she? A I think she is now about 32 years old, 30 or 32.

Q Who was her father? A Anderson Johnson.

Q Who was her mother? A Dinah Johnson.

Q Where did you marry her? A Cooweescoowee district, Big Creek.

Q The married you? A Peter Meigs.

Q Does she claim to be a Cherokee freedman? A Yes, sir.

Q Freed woman? A Yes, sir.

Q Did she apply before to the Kern-Clifton Commission? A Yes, sir.

Q By what name? A In 1889?

Q Yes, sir? A Jane Holt.

Q Where did you move to Vinita from? A I were living at Big creek, and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Wallace court.

Q But you came from Ft. Scott down to Vinita? A Yes, sir.

Q Did you bring your wife with you? A Yes, sir, we was up there working, I hadn't moved up there.

Q But your wife was with you? A Yes, sir.

Q What was you doing up there? A I was working up there.

Q Who for? A Man named W. H. Robinson.

Q He was living there was he? A Yes, sir.

Q Colored man? A No, sir, he was a white man.

Q How long had you been in Ft. Scott when you came to Vinita? A 1889 I believe it was '88 or '9.

- Q I say how long had you been up there when you come down to Vinita? A I don't know just how long.
- Q Well, about how long? A I can't tell you. I come back before the Wallace taken the census.
- Q You don't know how long you had been up there? A Not exactly.
- Q About how many years? A I tell you I don't know.
- Q You can make some sort of an estimate? A Well, about, up there a year, not quite a year.
- Q Were you up there more than a year? A I don't think I was.
- Q Hadn't you been up there ever since 1865? A Up in Ft. Scott.
- Q Yes? A Why certainly not.
- Q Then you deny positively that you were there more than two years?
- A Yes, sir, I do, at a time.
- Q Where was your oldest child, Jesse, born? A Jesse was born in Vinita.
- Q Have you been living in Vinita since 1889? A Yes, sir.
- Q All the time? A Except when I was out working.
- Q Where were you out working? A I were out at Lawrence, working and I was at Paola and I was at Weir City, Kansas, working.
- Q Where else were you working? A I worked there at Olathe.
- Q Working in Ft. Scott? A Since '89?
- Q Yes? A I don't think I have.
- Q How much of this time since 1889 have you actually resided in Vinita up there personally present? A I have been there pretty regular ever since 1892.
- Q How many years? A Well all the way along.
- Q Have you been there now for the past nine years all the time, continuously? A Yes, sir, except when I was working out at tell you.
- Q I want to know how much time you have been working out?
- A I could not tell you that, because I don't know, but altogether wouldn't make a year.
- Q Where was your wife at that time, in Vinita all this time?
- A She was in Vinita.
- Q She never went out with you when you worked out? A Not since 1892 she hasn't.
- Q Where was this next child Willard born? A In Vinita.
- Q Where was the next, Clifford? A In Vinita.
- Q Where was Maudie born? A Vinita.
- Q All four of these children were born in Vinita were they?
- A Yes, sir.
- Q Who did you come down to the Cherokee Nation with after the war?
- A Andy Daugherty.
- Q Didn't Andy Daugherty have a place down there when you came?
- A Yes, sir.
- Q He had a house up? A Yes, sir.
- Q He had a patch of corn in? A Had a little corn in.
- Q When you came? A Yes, sir.
- Q Who else had a house down there when you came? A I think Uncle Mike Whitmire had a house and Reuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.
- Q George Buffin? A I think so, I am not certain.
- Q Was Uncle Peter Ward living down there then? A I don't know.
- Q Was Reuben and Tuck Sanders? A Yes, sir.
- Q Did they have small crops of corn too? A I wasn't on their place, would see them passing back and forth, I guess they lived there.
- Q Didn't all these people that you have mentioned have corn?
- A I don't know; Uncle Andy Daugherty did, and I believe Whitmire did.
- Q What time did you come there? A In August.
- Q How long did you remain when you came in August? A I must have stayed there about six or eight months before I went away.
- Q Where did you go to? A I think I went to Lawrence I believe.

- Q Where was your mother at that time? A When I left I left her on Big Creek, at Andy Daugherty's.
- Q She came down with you did she? A When she first came from Kansas? Yes.
- Q How long did she stay down there? A I don't know how long she stayed altogether.
- Q How long did she stay before she went back? A She probably stayed a year.
- Q Then she went down to Ft. Scott? A Yes, sir, and worked a year and come back again.
- Q Did she keep house up at Ft. Scott? A She was working around there, she used to keep house.
- Q You lived with her up there, and your brothers? A Yes, we kept house up there in '64 and 5.
- Q You didn't live in a Government building up there? A I didn't.
- Q Did your mother? A Not as I know of.
- Q You didn't live with her up there? A I was with her up there, in '64 and 5.
- Q After that time were you with her? A I was with her at the Daugherty's when she was there.
- Q Were you with your mother in '66 in Kansas? A I would see her up there when I was working up there and she were working up there.
- Q Did you see her in Ft. Scott, Kansas? A Yes, sir.
- Q What year was that? A I can't tell you.
- Q Did you see her in '66? A We come down here in '66.
- Q Did you see her in Ft. Scott, Kansas, in '67? A I think she remained here all that time.
- Q Did you see her in Ft. Scott, Kansas, in the year '67? A No, sir.
- Q Did you see her in '68 in Ft. Scott, Kansas? A Yes, sir/ She was there working in '68.
- Q And you were there? A I think I come through Lawrence and I see her first one place and another.
- Q And where was your brother, Tecumseh A I think he was living up there.
- Q You never made a home in Kansas? A No, sir.
- Q Never had one? A Yes, sir, I built one about two years ago.
- Q You never had one on Big Creek? A No, sir, I come there with my uncle and never made a home until 2 years ago, I built a home two years ago.
- Q You never had a separate house there on Big Creek? A No, sir.
- Q I want to know where you lived from '66 to '69? A Sometimes I lived on Big Creek. In 1885 I lived on Andy Daugherty's, and went to Vinita.
- Q Where was your mother then? A She was at Daugherty's.
- Q How much of this time has she lived at Daugherty's? A I don't know.
- Q You know Jim Foreman A I do.
- Q Did you ever know him in Ft. Scott? A I did.
- Q Did you know him there in '68? A I knew him there in '64 and 5.
- Q Do you know Simon McKinsey? A I did.
- Q Did you know him in Ft. Scott, Kansas? A Yes, sir.
- Q When did you know him? A '64 and 5.
- Q Did you know him about '66? A I saw him after '66.
- Q Did you see him about '68? A I saw William Foreman, I don't think I saw Simon.
- Q When was the last time you saw William Foreman in Ft. Scott, Kansas? A I don't remember.
- Q Did you see him during the year of '66, '67, '68 or '69? A I didn't see him in '66, and I never saw him in '67 or '69.
- Q Did you see him in '68? A No, sir.

- Q Were you in Ft. Scott during either of these four years?
A I think I were there in '68.
Q Where was that? A I think I worked there in '66 a little while.
Q Was your mother there then? A I believe she was.
Q Your brother Tecumseh? A I don't think he was.
Q Where was your brother Tecumseh? A I think he was on Big Creek, with Uncle Andy.
Q Was your brother married? A Yes, sir.
Q Where did he marry? A In Oswego, Kansas.
Q State raised woman? A Yes, sir.
Q When? A Married in 1876.
Q What did you do down here in '66? A I didn't do nothing in '66, there was nothing down here to do.
Q Nothing in '67? A I went out and worked; I never worked in here in those days.
Q You never made a crop in the Cherokee Nation? A No, sir.
Q Your mother there never kept house here separate? A No, sir.
Q By Com'r Needles: Is Jane your first wife? A Yes, sir.
Q Had she been married before she married you? A I don't know, if she was I didn't know it; she had these children.
Q What are the children's names? A Laura and Ella Beason.
Q Where were they born? A Big Creek.
Q Big Creek in the Cherokee Nation? A Yes, sir.
Q Is that where you married her? A Yes, sir.
Q You mentioned about working in Kansas backwards and forwards, did you have your family with you while working in Kansas? A My family was with me up there in Ft. Scott, yes, sir.
Q You worked in Ft. Scott and your family was with you? A Yes, sir.
Q How long was that? A I can't tell you exactly, we went there in '89 I think it was, and we went back before the Wallace court.
Q Did you ever have your family working out with you after that?
A No, sir.
Q Since the Wallace roll then has your family always lived at Vinita? A Yes, sir. Except when my wife was out visiting; she went to Pottawatomie County, Kansas, once to see her grandmother, and took her children, and she went to Chetopa to see her people.
Q How long did she remain at those places? A I think she remained in Round City, Kansas, ten days, and I don't know how long she stayed at Chetopa.
Q Before she went there was she keeping house at Vinita? A Yes, sir.
Q When she went up with these children did she abandon the house?
A I was at the house.
Q Did she take household furniture with her? A Didn't take anything but a few clothes in a valise.
Q Did she come back to the same house? A Yes, sir.
Q And were you there? A I was there.
Q Jane your wife is a daughter of Dink Johnson? A Yes, sir.
Q Is Dink living? A No, sir; she is dead.
Q Andrew living? A No, sir; he is dead.
Q By Mr. Smith: You say it was in 1889 that you went to Ft. Scott, Kansas after you were married? A Yes, sir.
Q And that you came back before the Wallace court? A Yes, sir.
Q You up to 1889 you were unmarried, had you ever married before 1889? A No, sir.

Q What had been your home up to the time you were married?
A By Mr. Smith: I want to enter an objection to that; you ask him where he has lived; the point is a legal proposition; let the facts be developed and let the Commission and others decide about that question.
A By Mr. Smith: That is immaterial.

Q Where did you stay, where did you live up to the time you were married? A I lived on Big Creek.

Q At whose house? A At Andy Daugherty's.

Q Was he related to you? A My uncle.

Q What is your occupation, you spoke of working? A I am a cook, and I am a painter.

Q Now after you were married and after 1889 you were asked when you first built a home, do you mean by that that you now own your own home, or what do you mean? A Yes, sir, I own my own home now.

Q Had you any home place to keep house to live in before you built that two years ago? A I was renting a house to live in.

Q Where? A Vinita.

Q What kind of work did you mother do? A She was washing out and sometimes cooking.

Q Did you have sisters? A Yes, sir.

Q What were your sister's names? A Sallie and Bettie.

Q What is Bettie's name now? A Bettie Hicks.

Q Who was she married to? A Dennis Hicks.

Q Up to the time she married Dennis Hicks what was her chief occupation? A She worked around hotels and such work as that. Hired out.

Q Do you know of your own personal knowledge when she came back to the Cherokee Nation, or not? A No, sir, I don't.

Q Do you know of your own personal knowledge when Sarah came back? A No, sir.

Q You know whether they were slaves before the war? A Yes, sir.

Q Who did they belong to? A Bill and Nellie Holt, same man I did.

By Com'r Needles: You say you were living on Big Creek?

A Yes, sir.

Q No town there? A No, sir.

Q Were you a farmer? A No, sir.

Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working and come back there for my home.

Q How long did you live there? A I pulled out from there in '85.

Q You made that your headquarters then? A Yes, sir.

Q Your uncle was a farmer? A Yes, sir.

Q You didn't pretend to farm yourself? A No, sir.

By Mr. Hastings: How many brothers did you have? A Had four, three besides myself.

Q And your mother? A Yes, sir.

Q And you all made your Uncle Andy Daugherty's place your headquarters? A Not all of us, I had one brother that never came there at all.

Q Your two brothers and your mother and yourself? A Yes, sir.

Q You never lived in separate houses? A No, sir.

Q Where was your sister Bettie married? A She was married in Vinita.

Q When? A I don't know how many years ago it has been since she got married.

Q Since you came there? A Since I have been in Vinita, yes sir.

Q Hadn't she ever been married before? A No, sir, not to my knowing.

Q Where did she come from when she came to Vinita? A I don't know, she wasn't with us, she had been working down about Gibson, and places around there.

Q Your sister older than you? A Yes, sir.

Q Where is she living? A In Vinita.

Q How long has she been living there? A I don't know.

Q Since or before you moved there? A She has moved there since I moved there.

Q Where did she come from? A She had been working down about Ft. Gibson I believe, or Tahlequah, I don't know whether she come from there or where.
Q When was the last time you saw her in Ft. Scott? A I don't know.
Q Since the war? A I think I have, but I am not certain.
Q Not positive? A Yes, sir.
Q She didn't live with you there in '67, '8 and '9? A No, sir, she never did live with me.
Q You know where she married? A No, sir.
Q Did she marry a state raised man? A I don't know whether the man was a state raised man or not, I couldn't tell anything about that.

By Cor. H. Needles: Now as to your wife, you say her father's name was Anderson Johnson? A Yes, sir.
Q And her mother's name was Dinah? A Yes, sir.
Q Were they slaves? A Yes, sir, both of them.
Q Who did they belong to? A Anderson Johnson belonged to a Cherokee named Ren. Johnson, and my wife's mother belonged to a man named Chandler, in Arkansas.
Q In Arkansas? A Yes, sir.
Q Slave of an Arkansas man? A Yes, sir.
Q Her father was owned by a Cherokee? A Yes, sir.
Q And his wife was owned by a citizen of the State of Arkansas?

A Yes, sir.
Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes, sir.
Q When did they return? A They moved to Big Creek in '66.
Q How do you know? A I was there, I lived close to them.
Q Was Jane born after that or before that? A She was born after they moved there.
Q I forget whether you stated your wife's father and mother were both living or not? A They are both dead.
Q Your wife Jane been living in the Cherokee Nation ever since '66? A Yes, sir, except when she was just out visiting.
Q Except when she was out with you? A Yes, sir.
Q You don't know whether she was married before you married her or not? A No, sir.
Q You know she had these two children? A Yes, sir.
Q Are these children living with you now? A Yes, sir.

By Attorney Smith: Now this man was the reputed father of these two children? A Yes, sir, he was the reputed father of these two children.
Q Is he living or dead? A I last heard of him he was living.
Q By Cor. H. Needles: Colored man? A Yes, sir.
Q By Mr. Smith: Where is your wife? A I don't know whether she is in the crowd or not, she is here in camp somewhere.
Q Have you any children of your marriage to her? A No, sir, I just married by a preacher.

Q Who married you? A Peter Neiga.
Q Is he living or dead? A He is dead.
Q Is there anyone around the camp who saw you married? A The family was there; her two sisters were there, and I was to have them here, but they went to Fort Gibson.

Q There is no one here that saw you married? A No, sir.
By Mr. Hastings: How long had you known your wife before you married her? A I know her from a child.

Q You know whether she lived with this man as husband and wife by whom she had the two children? A I know she lived with him, I don't know whether they were married or not.
Q How long did she live with him? A She may have lived with him four or five years.
Q She lived with him from the time she gave birth to the first one until she gave birth to the last one? A Yes, sir.
Q Lived in a house together with him? A Yes, sir.

Q You don't know whether they were married or not? A No, sir, I don't.

Q You lived at Webbers Falls when the war came up? A Yes, sir.

Q You went out north? A Yes, sir.

Q You did you go with? A Went out with the soldiers, soldiers come there at night and taken up out.

Q Were you living with Will and Nellie Hall at Webbers Falls? A Yes, sir.

Q Did they have children? A Yes, sir.

Q What were their names? A Teresa Whitmire, Johnson Whitmire's wife.

Q How far did you live from Webbers Falls? A I lived about a mile and a half on the other side of Webbers Falls.

APPLICANT'S MOTHER re-called, and further examined.

By Mr. Hastings: Aunty, where do you live now? A Vinita.

Q Who do you live with over there? A I live with my son.

Q What is his name? A Tecumseh Hall.

Q Tecumseh got a wife? A Yes, sir, he has got a wife.

Q What is her name aunty? A Named Sarah Hall.

Q Got some children? A Got one.

Q How old is it? A I don't know.

Q About how old is it a child grown? A Yes, sir, it is grown.

Q Is the child married? A No.

Q Boy or girl? A She is a girl.

Q Where did Tecumseh marry? A I don't know, I am forgetful, my head is not right.

Q You were present when he married? A No, sir, I think he married in Osawage.

Q You wasn't there? A No, sir.

Q Now aunty, you came from Ft. Scott down to Vinita didn't you? A Yes, sir, when I did come down there.

Q Now aunty, when did you come down there, how many years ago? A My brother went up there and brought me down and three boys; went to get provisions, everything was very scarce down here at that time, and he brought me and the children down here; he said they were going to make a treaty and he brought us down.

Q And you came did you? A Yes, sir, I came in the wagon.

Q Did he have a house here at that time? A Yes, sir.

Q He had a little field? A Yes, sir, small field.

Q What was your brother's name? A Andy Daugherty.

Q There was other people living around in the neighborhood were there? A Yes, sir.

Q About what time of the year was it, April, May, June, July, August, September, spring, winter, summer or what? A It has been so long I can't remember.

Q Warm weather or cold? A I don't know whether it was warm or cold.

Q How long had your brother been living down here when you came? A I don't know, he was living down here and had his house built when he brought us down.

Q Even living here a year or two? A I don't know and maybe not so long, I don't know.

Q How long did you stay down here with your brother at that time? A When he brought us down.

Q Yes? A I stayed a year or two, I don't know.

Q Then you went back to Ft. Scott, did you? A Yes, sir, I went back to Ft. Scott.

Q What were you doing up at Ft. Scott? A Working around, trying to make my house living.

Q You lived in a Government building didn't you aunty? A Yes, I worked up there, took in washing.

Q Before the war? A After the war.

Q Did you know James Foreman? A No, sir.
Q How long was it until you came down to visit your brother again?
Did you ever see him any more? A After I went up there?
A Yes? A Yes, sir.
Q How long was it until you saw him again? A Five or six months,
maybe seven or eight, I don't know.
Q You never had any home down here? A No, I made my home with
him.
Q Whenever you came? A Yes, sir.
Q Where were your boys when you went back up to Ft. Scott, were
they up there with you? A Josh was cooking somewhere.
Q Was he cooking up there? (He rasps)
Q Did Josh ever have a wife before he got this woman, live with
another woman as his wife? A Not that I know of.
Q Never had no children by any other woman? A Not as I know of.
Q You were living up there in Ft. Scott when the Wallace payment
was made wasn't you Andy? A No, sir.
Q Where were you? A I don't remember.
Q How long did you live up there at Ft. Scott after the war?
A I can't tell you.
Q You spend pretty near all your days haven't you mostly up to the
Wallace court? A No, sir.
Q Did you work any down here before the Wallace Court? A No, sir,
I haven't worked before the Wallace court, I have never been able
broke up with the rheumatism.
Q About all the work you done was in Kansas? A I couldn't get no
work here to do.
Q I say about all the work you done was in Kansas? A No, not
all that I done.
Q Who did you work for down here before the Wallace Court?
A Oh I went around waiting on women, and come home and set down
and laid down; when I was called I would go.
By Mr. Smith: How old are you, Aunt Esther? A About 85,
that's the age they give me; I don't know my age; I was 16 years
old the time the stars fell and the Commissioners have been trying
to get my age from that, I don't know.
Com'r Needles: That was '32 when the stars fell; I was there my-
self and saw them fall.
Q That was it you said about having rheumatism? A I said I have
rheumatism so I can't do very much.
Q You live with one of your sons? A I live with Tecumseh.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A William Holts and Sallie Holts.
Q Were they Cherokee Indians? A Yes, sir.
Q Where did they live? A Wabers Falls.
A How many children had you at the time the war commenced, besides
Joshua? A Sallie and Betsey and Rosie and Joshua.
Q And who do you live with now? A I live with Tecumseh.
Q Was Tecumseh born before the war or after? A Before the war.
Q Is Bettie married now? A Yes, sir.
Q Who is she married to? A Dennis Hicks.
Q Where is she living? A In Vinita.
Q What is Sallie named? A Sallie Miller, she married a man
named Miller.
Q And lives at Vinita? A Yes, sir.
Q Were these children whose names you gave born slaves? A Yes, sir.
Q Who did they belong to? A William Holts.
Q Some papers you belonged to? A Yes, sir.
Q What was it you said about your brother coming after you up in
Kansas, and about a treaty? A He went up there to buy provisions
everything in this nation was scarce at that time; he said he thought

they would go up and get provisions and fetch me and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.

Q Who did he bring of your family? A Teahua, Tecumseh and Jimmie.

Q And you? A Yes, sir, brought four.

By Mr. Hastings: Bring your daughter Nellie? A No, sir, she was down here long before I was.

Q She lives in Vinita doesn't she? A She lives in Vinita now, she did not live in Vinita at that time; she was in Ft. Gibson and about Big Creek somewhere.

APPLICANT, JOSHUA HOLT, recalled, and examined by Com'r Needles:

Q Esther Holt your mother? A Yes, sir.

Q She is the witness that's on the stand here now? A Yes, sir.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A Bill and Nellie Holt.

Q They Cherokee citizens? A Yes, sir.

Q She went to Kansas didn't she? A Yes, sir.

Q When did she return? A '86.

Q Returned with you? A Yes, sir, and my uncle and two brothers.

Q Where has she been living ever since that? A She lived on Big creek a while, and she has been living in Vinita.

Q She never got back to Kansas afterwards? A Yes, sir.

Q How long did she remain there? A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down on Big creek again.

Q Did she have a home in this Nation? A No, sir.

Q Who was she living with? A With her mother up on Big creek except when she was working out.

Q Was she married then? A No, sir.

Q Her husband wasn't living then? A No, sir.

By Mr. Hastings: How long has Tecumseh been living in Vinita?

A I don't know how long he has been living in Vinita.

Q Well, your best judgment, has he lived there five years?

A Yes, sir, I guess he has been living this time close on to ten years, I can't tell.

Q You know where he came from? A I think he had been working on a railroad.

Q Where? A Down on this line, (indicating.)

Q To Texas? A Yes, sir, I am thinking he had been working there, I am not certain.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this June 28th, 1901.

(Signed) T. H. Needles,

Commissioner.

CONTINUATION OF THIS CASE TAKEN BY STENOGRAPHER J. O. ROSSON.

JOSHUA HOLT, et al., Application continued. Former portion reported by Stenographer M. D. Green.

APPEARANCES:

Messrs. Mallette & Smith, For Applicants;
Mr. W. W. Hastings, For Cherokee Nation.

MOSES RILEY, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith, of Counsel for Applicants:

- Q State your name? A Moses Riley.
Q Where do you live? A Chelsea.
Q Do you know this applicant, Joshua Holt? A Yes, sir.
Q Did you know his mother? A Not very well acquainted with his mother, I knew her.
Q How long have you known him? A I don't know, sir, how long I have known him exactly.
Q How old are you? A 51.
Q Did you know him before the war? A No, sir.
Q When did you first get acquainted with him after the war? A First time I saw him I saw him on his uncle's place on Big creek.
Q When was that? A It was some years ago, I don't know just exactly how long it was.
Q Who was his uncle? A Andy Daugherty.
Q Well give us your best ideas, judgment, as to when it was if you can when you saw him? A Well, I don't know exactly what year it was.
Q How long ago was it? A I expect it must have been 21 years ago.
Q You hadn't known him before that? A No, sir.
Q You don't know where he belonged to? A No, sir.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

- Q State your name? A Columbus McNaair.
Q How old are you? A 61 years of age.
Q What is your post office? A Vinita.
Q Do you know this applicant, Joshua Holt? A Yes, sir, I know him.
Q How long have you known him? A I have known him ever since he was a baby.
Q Did you know him before the war? A I knew him just a little before the war came up.
Q Do you know who he belonged to? A Yes, sir, belonged to William Holt.
Q Was William Holt a Cherokee Indian? A Yes, sir.
Q Do you know what became of Joshua during the war? A No, sir, I don't know nothing about him.
Q When did you first see him back in the Cherokee nation after the war? A Well, sir, I just can't remember what time it was I saw him back.
Q Well, where did you see him when you saw him back? A The first time I saw him after the war was up here at Verdigris.
Q At what place? A Goosecreek Bend.
Q Do you know how long ago that has been? A Well, that was something before 1880.
Q Do you know how long before 1880? A No, sir.
Q Do you know where he was in 1880? A No, I don't know where he was in 1880.
Q Do you know where he was in 1866? A No, sir, I don't.
Q Did you know his mother, Esther Holt? A Yes, sir, I am acquainted with her.
Q Do you know where she was in 1866? A No, sir, I don't.

BY MR. HASTINGS:

Q Where did you live before the war, Columbus? A Right across Grand river in Saline district.

Q Where did Joshua Holt and his mother live? A In Illinois district.

Q How far was that from you? A When I got acquainted with them I was working at John Daniels' in Canadian district.

Q How far were you working from him? A Just across the river there at John Daniels at the old place.

Q You were working there when the war came up? A Yes, sir.

Q And you knew those people? A Yes, sir.

Q You didn't see them for years after the war? A No, sir.

By Com'r Needles: Did you know Joshua's wife's father and mother? A Yes, sir.

Q What was their names? A Anderson Johnson was her father and Dinah was her mother.

Q Were they slaves? A Anderson Johnson was, I don't know anything about their mother.

Q Do you know whether they were married or not? A No, sir.

Q Do you know they lived together as man and wife? A Yes, sir.

Q How long? A I can't say, they were living together when I saw him.

Q Do you know how many children they had? A No, sir, I don't know how many children they had at all.

Q Where was that? A It was on Big creek when I got acquainted with him.

Q After the war? A Since the war.

Q You never knew them at all before the war? A No, sir.

Q You know Jane you say? A Yes, sir.

Q Where was Jane living when you first knew her? A She was living there with her father.

Q Was she married? A No, sir.

Q Living with her father Anderson? A Yes, sir.

Q Do you know whether Anderson went out of the Nation during the war? A I wasn't acquainted with him.

Q Don't know whether he went and when he came back? A No, sir.

By Mr. Hastings: Did you ever know Joshua Holt in Fort Scott? A No, sir.

Q Did you know his mother, Esther? A No, sir, I never seen either one of them up there.

Q How long has Joshua been up to Vinita? A I ain't able to say, 12 or 13 years anyway.

Q How long has his mother? A She has been there about as long as he has.

Q How long has Tecumseh been there? A They come there together. They come there about the Wallace court, before the Wallace court, and been there ever since; Joshua lived there before that time.

Q The Wallace court was in 1862 wasn't it? A I guess so, I didn't take any particular notice.

--- JOSHUA HOLT, the Applicant, recalled. By Com'r Needles:

Q Joshua, did Anderson Johnson, your father-in-law, go out of the Cherokee Nation during the war? A He was a soldier.

Q In what army? A In the 44th or 45th United States Infantry Colored, 18th I think.

Q Where was he discharged, do you know? A I think he was discharged at Fort Leavenworth.

Q When did he return to the Cherokee Nation? A '66.

Q How do you know that? A I saw him on Big creek.

Q In '66? A Yes, sir.

Q Was his wife living there with him then? A Yes, sir.

Q Jane your wife living with him? A She was born on Big creek.

Q You saw him there in '66? A Yes, sir.

Q Was he there when you came or you come before him? A He was there when I come.

COM'Y NEEDLES:--Joshua Holt applies for the enrollment of himself, his wife, Jane, his two stepchildren, Laura and Ella Reason, and his own four children, Jessie, Willard, Clifford and Maucelia Holt. He cannot be identified upon the authenticated roll of 1880 or census roll of 1888, upon examination; neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony, and his older stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his own children, Jessie, Willard, are identified upon the Kern-Clifton roll. His two children, Clifford and Maucelia, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Esther Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas, and that Anderson Johnson was a slave of a Cherokee citizen. He also avers that Anderson Johnson, father of his wife, was a United States soldier and returned to the Cherokee Nation in the year 1846, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order to establish the citizenship of his wife, Jane; and it will also be necessary for satisfactory proof of marriage to be made between Joshua Holt and his wife, Jane, in order to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Reason, and his four children, to-wit: Jessie, Willard, Clifford and Maucelia, will be listed for enrollment as Cherokee Freedmen upon a doubtful and. The fact that his two children's Clifford and Maucelia, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

J. J. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. J. Rossen.

Subscribed and sworn to before me this 21st day of June, 1901.

(Signed) T. A. Needles,
Commissioner.

Supplemental Testimony in C.F. No. 44.

Joshua Holt et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, L. T., June 29th, 1901.

Bellette & Smith, Attorneys for applicants present;
W. W. Hastings, present for the Cherokee Nation.

DANIEL SANDERS, being sworn by Commissioner T. B. Needles,
testified as follows, for the applicants. By Mr. Smith:

- Q What is your name? A Daniel Sanders.
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes, sir.
Q Do you know Dinah Johnson? A Yes, sir.
Q What relation are they? A Man and wife.
Q Where did you first know Anderson Johnson? A In the army.
Q Where did you first know his wife? A At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A Yes, sir.
Q Who did he belong to? A Ben Johnson.
Q Was he an Indian? A He was a white man married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Funkhouser family.
Q When did Anderson and Dinah marry? A After the war.
Q Do you know if they have any children or not? A Yes, sir, they have.
Q What are their names? A Mary was the oldest one I believe.
Q Do you know the names of any of the others? A I never paid much attention to them.
Q Do you know where they are now? A They are at Vinita.
Q Are they married or single? A Mary is married.
Q Who is she married to? A Joshua Holt.
Q Now is that Mary or Jane? A Jane, yes, it is Jane.
Q Who is the oldest then? A Jane is.
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Joshua Holt? A Yes, sir.
Q Do you know where Jane was born? A In the Cherokee Nation.
Q Close to where you live? A Yes, sir, 5 or 7 miles.
Q Don't you know where Mary was born? A Must have been born there too.
Q Do you know any of the other girls? A I think there was three girls in all.
Q Do you know the name of the other ones? A I don't know.
Q Would you know it if you heard it? A Yes, sir.
Q Was it Ruth? A Yes, sir.
Q Where were those children born and raised? A On Big creek mostly.
Q How long has Jane been married to Joshua Holt? A Ten years or longer.
Q Do you know when Anderson Johnson came back to the Cherokee Nation? A Yes, sir, in '66 with us.
Q Do you know when Dinah came back? A I don't know exactly the time.
Q Are they living or dead? A Both dead.
Q Where did they die? A Anderson got killed close to where he lived.
Q How long ago was that? A I think it was in '68.
Q How long did Anderson and Dinah live together there? A Until he died.
Q From what time? A I don't know just exactly when he married, must have been in the fall of '65.
Q And from that time until he was killed they lived together? A Yes, sir.
Q Did they keep house up there? A Yes, sir.
Q Were they received in your community as man and wife? A Yes, sir, I never knewed any difference.

Q What time of the year was it that Anderson Johnson came back here? A Long in August '66.

Q What part of the nation did he come to? A Big creek.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q On the roll of 1880? A Yes, sir.

BY HASTINGS: Did you know Johnson's wife before the war?

A No, sir.

Q She was a state raised woman? A Yes, sir.

Q Where did you see her first to know her? A In Kansas, I knowed her stepfather before that.

Q What was his name? A Rube Funkhouser.

Q Did she have any children before she and Anderson Johnson married?

A No, sir.

Q How old was she when they married? A She wasn't very old.

Q Were they married in Kansas? A I think so.

Q Did he bring his wife with him when he came with you folks?

A Not the first time.

Q What time was it that he came down with you, what time of the year? A Long in '66, long in the month of August.

Q Was that when some of you men folks come in advance?

A Yes, sir.

Q Did you have your family with you? A No, sir.

Q They all went back afterwards and brought their families?

A Yes, sir.

Q When did Anderson Johnson bring his wife there? A I don't know just exactly when it was.

Q Can't you be positive as to whether that oldest child was born in the Cherokee nation or in Kansas? A In the Cherokee Nation, I think, I never heard of her having any children in Kansas.

Q How far did he locate from you? A 7 miles, between 6 and 7 miles close to Albert Morris.

BY SMITH: What time did Anderson Johnson bring his wife down there? A I don't know exactly the time, shortly after that, shortly after he came himself.

Q What is your best judgment? A Not long after he came himself.

Q As much as six months? A Can't have been any longer.

BY HASTINGS: This woman has had some children born to her since her first husband was killed? A I think so, one.

Q What is that child's name? A I don't know, it is a boy.

Q How long after her husband's death before this boy was born?

A I can't tell you that.

Q Two or three years? A Yes, sir, I guess so.

Q He is about grown now? A I haven't seen him for quite a while.

Q Don't know his name? A No, sir.

RUBEN SANDERS called and sworn as a witness for the applicant. By Smith:

Q What is your name? A Ruben Sanders.

Q Where do you live? A On Big Creek.

Q Are you a citizen of the Cherokee Nation? A I am.

Q On the roll of 1880? A I am.

Q Do you know Anderson Johnson? A I did.

Q Did you know a woman named Dinah Johnson? A Yes, sir.

Q Do you know what relation they were to each other? A Man and wife.

Q When did you get acquainted with Anderson Johnson? A When he came out of the army.

Q When did he come to the Cherokee Nation after the war? A With us in our wagon.

Q When? A Long in the summer of '66.

Q Was he married then? A He was not.

Q When did you first become acquainted with his wife? A In Kansas.

Q When did you first see her in the Cherokee Nation? A I don't know exactly, several years after we came down here that I saw her down here.

Q Where do you live? A On Big Creek.

Q How far did you live from where Anderson Johnson was killed? A About 7 miles.

Q Did they have any children, Anderson and Dinah? A They had several.

Q Any girls? A Yes, sir.

Q Do you know the name of the eldest girl? A I don't know if I do or not.

Q What are the names of those you remember? A Mary, I don't know much about the girls.

Q Do you know if any of those children are married? A One is married to Josh Holt.

Q Where does she live? A In Virginia.

Q How long did Anderson and Dinah live together? A From the time they married until he was killed, I don't know exactly the number of years.

Q How long since he was killed? A I think about 10 years.

Q Do you know when they married, Anderson and Dinah? A I don't know the exact date, it was somewhere about 5 or 6 years after he came here.

Q Did you see them married? A No, sir, but I know they occupied a house and kept house there and lived together as man and wife.

Q How were they recognized by the neighbors there? A As man and wife.

Q Do you know when these children of theirs were born? A No, sir.

Q Were they born while they were living together as man and wife? A Yes, sir.

Q Where were they born? A On Big Creek, there where they lived.

Q In the Cherokee Nation? A Yes, sir.

Q Do you remember which one of the girls, Josh Holt married? A No, sir, I don't believe I remember her name.

Q Do you know whether she is the eldest child or not? A No, sir, I don't.

Q Do you know whether she was born? A No, sir, not exactly, but to my best judgment they was all born in the Cherokee Nation on Big Creek.

By Hastings: With whom did Anderson Johnson first live when he came down here? A Where I live.

Q You all first came down in August and then went back? A Yes, sir.

Q You say Anderson wasn't married then? A No, sir.

Q His wife was up in Kansas then? A She wasn't his wife at that time.

Q The woman that he afterwards married was in Kansas then? A Yes, sir.

Q He afterwards went up there and married her? A Yes, sir, and then brought her back with him.

Q Did you know his wife before she married him? A Yes, sir.

Q Where did she live? A There in Fort Scott.

Q And your recollection is that some 5 or 6 years after you all came down that she came down as Anderson Johnson's wife? A Yes, sir.

Chas. von Meier, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he submitted in full all the proceedings in the above cause, and that the foregoing is

a full, true and correct transcript of his stenographic notes therein.

(Signed) Oscar von Weise.

Subscribed and sworn to before me this 26th day of July, 1901.

(Signed) T. B. Needles,
Commissioner.

To be filed in case of Jane Holt, et al., C.F.D.-544.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Rush Chinnett for the enrollment of herself and 2 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

APPEARANCES:

Mr. Louis Brown, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

o o o o o o o o

SAM WEBBER, being sworn by Com'r Needles, testified as follows: By Mr. Brown:

- Q What is your name? A Sam Webber.
- Q Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the mother and father of this applicant? A Yes, sir.
- Q You know whether they were ever married or not? A I couldn't tell you about the wedding, they were living together as man and wife.
- Q So recognized by the community? A Yes, sir.
- Q Were they living together as man and wife at the time this applicant was born? A Yes, sir.
- Q You know this girl's sister, Mary Johnson? A Yes, sir.
- Q At the time she was born were they living together as man and wife? A Yes, sir.
- Q Did you testify for Jane Holt in the Joshua Holt case? A I did 5 years ago, I didn't this time.
- Q You testified a while ago in the Mary Johnson case? A Yes, sir.
- Q You didn't say anything about their marriage then? A No one asked me; I didn't have no right to answer they asked me.
- Q When did you first see Anderson Johnson and the mother of this girl living together as husband and wife? A They come and settled down there; he married her somewhere and brought her there, I don't know where he married her.
- Q When was it? A I don't believe I can tell you just when that was.
- Q How long after the war was it? A I couldn't tell you that and be positive in it.
- Q Was Anderson Johnson married when he first came there? A No, sir, he was a single man.
- Q It was sometime after that when he married? A Yes, sir.
- Q Had he been married up to that time? A Up to what time?
- Q Up to the time he first came there after the war in '55 as you testified a while ago? A He was single when he come down.

Q You don't remember how long after that when you saw him living with this woman? A No, sir, I couldn't say positive, but they was living together as man and wife on the creek there when he got killed, and had been for several years.

Q You remember just what year he got killed? A No, sir.

Q You don't remember just about how long after he come down there? A No, sir.

Q The circumstance of his getting killed isn't as great as the circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.

Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I tell you I never paid no attention to it, so many people married, I can't keep the dates of all of them, or of course I didn't try.

Q I am not asking you, Mr. Webber, the exact date, but how long ago, now when they first began living together, but about how many years ago are you willing to testify you saw them living together? A I don't know, I couldn't be positive about that.

Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have any.

Q Do you have any idea how old this woman is, (indicating applicant)? A No, sir, not exactly.

By Com'r Needles: Well, Mr. Webber, how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that correct.

Q Did they raise a family there? A Raised them right there on the creek, three children.

Q While they were living together as man and wife they raised a family? A Yes, sir.

By Mr. Hastings: You don't know where he got the woman? A No, sir, I couldn't tell you.

Q How far did they live from you? A About 10 miles I guess, as near as I can guess at it.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 144, #3581, Chinnett, Holt, Cooweescoowee district.

SAM WEBBER, witness, recalled and further examined: By Mr. Smith: (Of Mellette & Smith.)

Q Did you know Jane Holt? A Yes, sir.

Q Whose wife is she now? A John Holt's.

Q Whose child is Jane Holt? A That's Anderson Johnson's child, by Dinah, his wife.

Q And the mother? A Dinah I said.

MR. SMITH: If the Court please, I would like a copy of the statement of Sam Webber taken in this case, filed with D 644.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony of Sam Webber in above styled case.

(Signed) M. D. Green.

Subscribed and sworn to before me this August 27th, 1901.

(Signed) E. B. Needles,

Commissioner.

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TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES
OF THE UNITED STATES OF AMERICA
IN SENATE EXECUTIVE ROOM
WASHINGTON, D. C.
JANUARY 17, 1901

Subscribed and sworn to before me this 17th day of January, 1901.

[Signature]

Notary Public

File with case of Esther Holt, C.F.-D.#643.

Supl. C.F.-D.#643.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 8th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SALLIE MILLER as a Cherokee Freedman, introduced on behalf of
Cherokee Nation:

APPEARANCES:

Mr. Mellette, of Counsel for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON MCKENZIE, being duly sworn by Commissioner Needles,
testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A. Simon McKenzie.

Q Where do you live? A. I live up Pryor Creek, about five miles
north of Pryor Creek.

Q What is your age? A. I am 59.

Q How long have you lived in the Cherokee Nation? A. Been living
here all my life, only few times I have been out of the Nation.

Q Well, you were out of the Nation; when you were out of the Nation
what places were you in? A. When I was out of the Nation I lived at
Fort Scott, Kansas.

Q About what year did you live in Fort Scott, Kansas? A. I lived
from 1865 down to 1866, '67 and down to spring of '68.

Q During the years you lived there did you become acquainted with
Sallie Miller, or Holt, or Walker? A. Yes, sir, I was acquainted
with one lady named at that time Sallie Holt.

Q Well, did you know her family at that time, her mother?

A. Yes, sir.

Q What was her mother's name? A. Aunt Easter Holt.

Q Did you know any of her brothers? A. Tecumseh and I forget
the other one's name, was another one.

Q Do you know whether it was Mose or Joshua? A. Yes, sir, Mose and
Joshua.

Q Did you know any of her sisters? A. Yes, sir, but I forget their
names.

Q Now, where were they living, if you know, during the years you
lived at Fort Scott? A. They lived in an old Government building
right in Fort Scott.

Q You went there in 1865? A. In '65.

Q How long had you been there before you knew these people, or got
acquainted with them? A. I was there about a month or two or three
months, I could not state the time.

Q Well, where were they living when you left Fort Scott, Kansas,
if you know? A. Well, Aunt Easter was living in an old Government
building.

Q Have you seen any of them since that time? A. No, sir.

MR. MELLETTE: Now, Mr. McKenzie, you don't know that the woman
who is an applicant here for enrollment is the woman whom you say
you saw up at Fort Scott, Kansas, at the close of the war, do you?

A. I don't know the woman.

Q You don't know that that is the same woman? A. In the same name.

Q It is not the same name? A. She name Holt.

Q Well, you don't know that that is the same woman that you knew
up there, do you? A. Well, it was a daughter of Easter Holt, it
was a Sallie woman.

Q Well, you don't know anything about this applicant; you have
never seen this applicant here? A. I haven't seen her here.

- Q Well, you have never seen her since she has made application here for enrollment have you? A No, sir.
- Q Now, when did you leave Fort Scott, Kansas? A I left there early in '68, in the spring.
- Q In the spring of 1868? A Yes, sir.
- Q What were you doing up there at Fort Scott? A I was working there at Fort Scott, for Billy Shanahan, stone mason, doing putlin work there.
- Q Did you keep track of these colored people? A All I saw.
- Q Did you ever testify in this case before? A I guess I did.
- Q When? A Not long ago at Fort Gibson.
- Q You give testimony up at Fort Gibson? A I think I did.
- Q How long ago? A I don't know exactly whether it was last month.
- Q How old are you, Mr. McKenzie? A I am 39.
- Q Well, it has been 35 or 6 years ago then since you saw them up there at Kansas? A Yes, sir, I guess so, I never kept count of the time.
- Q Well say 35, well, Mr. McKenzie, can you remember just about the time you saw these people up there 35 years ago? A Well, I guess I could remember it, I stated before.
- Q There is no reason why you paid particular attention to them? A No, just seeing them pass and repassing about.
- Q You left there in the spring of '68? A Yes, sir.
- Q Well, they could left there a year before that and you not remember it 35 years afterwards? A Didn't I saw they back and forth all the time I was up there, off and on.
- Q Well, now, off and on there, you saw them? A Every where.
- Q Can you remember 35 years ago you saw these people every weeks? A I guess so, I wouldn't be here if I didn't thought I could testify nothing.
- Q Well, you feel because you are here you have to testify something? A I don't know.
- Q Well, I want to know if you can remember 35 years ago you saw these people every weeks? A I did while I was living in Fort Scott most every week.
- Q Is it possible they might have left there a year before you did? A If they did they went back in a short time.
- Q What were you paying so particular attention to those people for? A I could not tell you.
- Q You just watched them? A Well, just seeing them pass and pass every day.
- Q Who else did you see up there at Fort Scott? A Why I see good many.
- Q What other colored people? A Good many, good many other colored.
- Q What people, but I don't know their names.
- Q Well, now, give the name of some other colored person you saw up there except this family? A I could not give their name.
- Q There were a great many colored people in Fort Scott? A Yes, sir.
- Q And of all the colored people that was in Fort Scott this family is the only one you remember the names? A Yes, sir, of course I was passing there and some lived out in the country.
- Q Well, who else lived in the Government building there? A Good many families.
- Q Good many families? A Yes, sir.
- Q Why don't you remember the names of the other colored people? A Because the boys I remember them, and part lived in town.
- Q Why can't you remember the names of some other colored people you saw there some time? A Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
- Q Who is Bill Thompson? A There he is, pointing to a man in the audience.)

Q And who else was there? A Bill was blacksmith; Tom Brown,
 Q Was it Tom Brown or Bill Brown? A Tom Brown.
 Q When did they leave there? A I don't know.
 Q Were they there when you left? A I don't know; they lived out
 at the edge of town; of course when I left town I went out about
 three miles or two and a family lived there by the name of Campbell,
 worked right there at Fort Scott. I know the whole generation if
 you will give me time to tell the name over, the whole generation
 of them.
 Q What makes you remember seeing these people there all the time
 you were there? A I saw them off and on, because I was working
 in town; Tom Brown was a blacksmith, worked in town.
 Q When was the last time you remember seeing this Sallie Miller?
 A Well, I saw her when I left Fort Scott.
 Q Did you see her the day you left? A No, sir; I didn't see her
 the day before I left.
 Q How long before you left did you see her? A Oh, short time,
 maybe a week or two weeks.
 Q You remember then of seeing her two weeks before you left?
 A Yes, might have been two weeks, and maybe longer and not so
 long.
 Q Maybe a year too? (No response.)
 Q Was it a year? A No, sir, I don't think it was a year; if she
 left there at all she went west, went towards Napoleon.
 Q How do you know she went to Napoleon? A Well, if she left at
 all.
 Q What makes you think that? A That was the talk.
 Q How was that? A That is why I found out by talking with her
 brother.
 Q You got a letter? A No, sir, talking with her brother.
 Q You are testifying to what her brother told you?
 A That is how I found out where she went, if she went off at all.
 Q That is the reason you are swearing that she was there all the
 time you were there? A No, sir; I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles,
 testified as follows:

MR. DAVENPORT: What is your name? A William Margrave.
 Q What is your age, Mr. Margrave? A My age is 430--about 82;
 I am away along in the 83 year.
 Q Where do you live, Mr. Margrave? A Fort Scott, Kansas.
 Q How long have you lived at Fort Scott, Kansas? A Since 1854.
 Q Since you lived at Fort Scott, Kansas, did you become acquainted
 with a colored family by the name of Holts or Holt? A Yes, sir.
 Q You know the old lady's name? A Yes, sir; do you mean the mother?
 Q Yes, sir; what was her name? A Easter Holt.
 Q How many of the children do you remember, Mr. Margrave? A Let's
 see, there was Rose, Cussie, Sallie and John.
 Q When did you become acquainted with the family? A I am not posi-
 tive, I think they came there along towards the close of the Civil
 war, if they didn't they came there very shortly afterwards.
 Q Well, now, when did they live with reference to where your home
 was? A Well, most of the time they lived in, I should judge,
 about a hundred yards, except when he lived, after he married, he
 lived about 50 yards.
 Q Well, now, where is Rose Holt living now, do you know?
 A Lives right there in the Fort Scott.
 Q Do you know what John is living? A I do not, he has been away
 from there a good many years, I don't know how long.
 Q Well, about how many years has it been since John moved away from
 there? A Of course that would be from guess work, something I
 never took no count of; I don't think he has made his home in Fort
 Scott for the last 15 years, I might not be correct about it.

Q about how long has it been since Tecumseh moved away from there?
Q That maybe all the way from five, six, seven or eight years,
not longer than that.
Q Well, when did Bettie leave there, about when did she leave?
A That is quite a while ago, I could not tell that.
Q Well, did Sallie Holt marry while she was up there? A Yes, mar-
ried twice.
Q What was her first husband's name? A Walker he died and then
she married a Miller.
Q Do you know what Miller's first name was, or what he was known
by up there? A Stephen I believe it is.
Q Have you seen Sallie Miller, the applicant, since you been down
here? A I saw her this morning, spoke to her.
Q Did you recognize her as the same woman you knew up there as
Sallie Holt? A Well, she lived right there near me for I expect
50 years, I don't know that it was that long, of course I knew her
as well as I knew anybody in Fort Scott.
Q About how long ago was it since Sallie left Fort Scott?
A Well, now, I can't tell you.
Q Well, you came from there in - I - seven, eight or ten years.
Q Do you know where Aunt Hester Holt is living now, whether she is
living or dead? A I saw her I think about a year ago up in Fort
Scott, I have never heard of her dying.
Q When did she move away, if at all, from Fort Scott, Kansas?
A It comes to those dates.
Q About how long? A I would think it was six or seven years ago.
Q You got acquainted with this family as I understand you, sometime
about the close of the war? A Yes, sir, I knew them by sight and
afterwards got acquainted with them.
Q They afterwards lived right near you? A Yes, sir. It was
right close to me, I don't think it was over a hundred yards from
where I now live.
Q And they lived there then in your neighborhood from the time you
got acquainted with them up until a few years ago? A Yes, just
as I stated.
MR. HELLSTEDT: Now, where was Sallie Miller in the fall of '65?
A I don't think I could tell just that because -
Q Well, now, where was she in '66? A The family was there, I
am satisfied they were in Fort Scott in '66.
Q I am talking about Sallie Miller now? A I know you do; but of
the family might want away.
Q You don't say that Sallie Miller, or Sallie Holt, was not here
in the Cherokee Nation in 1866 can you? A No, sir, I cannot;
I know the family was living up there at that time. One of the fami-
ly could go off and I would not know anything about that; go off
and return again.
Q Isn't it a fact that she was down here in '66 and didn't go
back up to Kansas for a couple of years after '66 about '68?
A No, I don't know.
Q You don't know? A No.
Q That might be true, might it not? A Yes, the family was there.
I know they didn't all come here; might be such a thing as she did,
of course not looking for a thing as that kind of thing I might not know.
Q Well, these people might have come down in the territory from
time to time without you knowing their whereabouts might they not,
34 years ago? A You mean one of the time?
Q Yes, or two at the time? A Of course they might.
Q Sallie Miller's husband died up there, did he not? A Miller.
Q Didn't she take some children down here the first time
she went back? A Children; I don't know anything about it.

JOHN FORBES, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.

Q What is your age, Mr. Forbes? A 34.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 33 years.

Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A Yes, sir.

Q What was the old lady's name, if you knowed, Forbes? A I don't exactly know what the old lady's name was.

Q What was the children's names? A I have heard the names; well there was Hoss and Josh and Mrs. Walker; well, there was one or two others.

Q Do you know whether her name was Sallie Walker or what her first name was? A Her name was Sallie Walker.

Q Did she marry a man by the name of Walker? A Yes, sir.

Q Where was Walker at the time of his death, if you know?

A I don't know where he died, but I was informed that he died; that I don't know where he died, nor whether he died in Fort Scott.

Q Well, do you know whether or not she married after Walker's death?

A Yes, sir.

Q Who did she marry that time? A Man by the name of Miller.

Q Do you remember his first name? A Well, I have heard it called Stop Miller.

Q What business did he follow? A Shoemaker.

Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bet or Bess, I think that is it, and there was Hoss and Josh.

Q Any one else you remember? A I think there was more than that.

Q Do you know where Miss Bess is living now? A Living at Fort Scott.

Q Do you know anything about where Josh is living? A No, sir.

Q About when did Josh Holt move away from Fort Scott, Kansas?

A Well, he moved away from there some many years ago, I don't know very well, I wasn't very well acquainted with him on that account.

Q Well, when did the applicant, Sallie Miller now, formerly Sallie Holt, move away from there? A I could not say, I think the best of my judgment it was eight or ten years ago, but I could not say after I got acquainted with them in '70, then I was personally acquainted with them after that.

Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there at that time.

Q Do you know what became of Bessie whether she is living up there or alive? A No, I do not.

Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.

MR. DAVENPORT: Mr. Forbes, you don't know where these people, any of them, were in 1866, '67 or '8? A No, sir.

Q Isn't it a fact that they came, after you knew them, that they came back and Fort Scott was in the territory and went up to Kansas?

A I didn't know anything about that, I think I heard some of them talking about going down to Fort Scott or going from Fort Smith or something when I got acquainted with them.

Q Fort Smith down here on the border? A Yes, sir, I wouldn't be positive of that, some little recollection in my mind but I couldn't be positive.

JOHN FORBES, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

Q Where do you live, Mr. Forbes? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 20 years.
Q Since you have been living at Fort Scott, Kansas, have you become acquainted with a family of colored people by the name of Holt?

A Yes, sir.

Q What members of the family are you acquainted with? A I know Mose, Mose lives there now, well I think anyother one, George Maybe.

Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.

Q You are not very well acquainted with them? A I knowed Mose well and knowed where they lived well; no, I am not well acquainted with the lady folks.

Q Did you ever know the mother? A No, sir.

MR. McLESTER: You don't know where the women folks made their homes, whether they made it here and visited up there, or where they really belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by commissioner Needles, testified as follows: On part of Cherokee Nation;

MR. DAVENPORT: What is your name? A William Sexton.

Q Where do you live, Mr. Sexton? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A I have lived at Fort Scott ever since '89.

Q Well, since you came to Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A I did.

Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.

Q What was her name? A Her name was Master Holt.

Q What were the names of the children, as many as you can remember? A There was one by the name of Mose, Josh, and Cumsah and Jennie and Sallie; that's as many as I recollect.

Q Well, did you know Sallie Holt, if she was a grown woman?

A Sallie she was a woman when I got acquainted with her.

Q Josh, was he grown when you got acquainted with him?

A No, sir, he was a young man.

Q Would you know Sallie Holt if you would see her now?

A Yes, sir.

Q I wish you would look back through the audience and see if you see her? A Yes, sir.

Q You recognize her as being the same woman, Sallie Holt, you knew? A Same woman.

Q Did she marry while she was living up at Fort Scott? A She was married when I got acquainted with her.

Q Do you know what her husband's name was? A Her husband's name was Walker.

Q Do you know whether Walker is living or dead? A He died.

Q Well, did she marry again? A She did.

Q Do you know who she married? A She married a man by the name of Miller.

Q Do you know his first name? A Stephen.

Q What was his business? A He was a shoemaker up there.

Q You knew Josh too up there did you? A Yes, sir.

Q And Cumsah? A Cumsah.

Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.

Q Do you know whether or not there was a girl by the name of Battie?

A I wouldn't be positive but it appears to me there was.

Q Were they living in Fort Scott when you went there in '88, Mr. Sexton? A Yes, sir.

Q Well, about how long after you went there did they continue to live in Fort Scott? A Now, I could not say; I didn't pay particular attention, sometime they would leave and sometimes they was there.

- Q Did they keep house while they were there? A Yes, sir.
Q Did Sallie live there with Walker when he was living?
A Yes, sir.
Q Where is Mose living now? A Moses is living up there now.
Q About how long has it been since you remember of Josh and then living in Fort Scott? A Josh hasn't been there for some considerable time.
Q Well, about how long? A It has been, I should judge, some ten or 12 years.
Q Well, how long has it been since Tecumseh has been living there?
A She has lived there to the best of my recollection, it has been that long since I seen him there.
Q Do you know where he went when he left there? A No, sir.
Q You don't know whether he went to Kansas City or not?
A No, sir, I do not.
Q Well, how long has it been since Sallie has been living there?
A I don't know.
Q Has she lived there any since she and Miller married? A Yes, sir.
MR. MELLETTE: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the Territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.
Q That is true? A Yes, sir.
Q You don't know where any of these people were in '66? '67 or '68?
A No, sir; I came to Scott in '69.
MR. DAVENPORT: And they were living there when you came?
A They was there when I came.

Com'r Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 15th, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209, filed in the Mariah Hayden case F D 496, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be
deemed necessary that a copy of the said decree be filed in this
case and in the following cases, to-wit:

Eather Holt, D 645;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show that
the applicant was a slave of the Cherokee Nation at the beginning of
the war, nor that he returned within the time specified in the
treaty of 1866, or that he had been a continuous resident of the
Cherokee Nation since that time, or that he is a descendant of
such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same
is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be
entertained and the decree of the Court of Claims filed in the
case of Mariah Hayden will be made a part of the record by reference
in all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cants be allowed within thirty days to file any of the proof of
any or all of the record other than the decrees already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D 645.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Esther Holt for enrollment as a Cherokee Freedman.

-: D E C I S I O N :-

The record in this case shows that on June 10, 1901, Esther Holt appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Copies of the testimony taken at various times in the cases of Joshua Holt, et al., and Sallie Miller are made a part of the record herein.

The evidence shows that the applicant, Esther Holt, was the slave of a Cherokee citizen at the commencement of the rebellion; that during the rebellion she left the Cherokee Nation and did not return thereto within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation.

The name of said applicant is not found on the 1880 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the application of Esther Holt for enrollment as a Cherokee freedman should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

James Dixby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

G. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Muskegee, Indian Territory,

this MAR 5 1904

COMMISSIONER
JAMES H. IV
THOMAS G. NICHOLS
C. R. HITCHCOCK
W. L. STANLEY
ARTHUR L. GILKINSON
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

Cherokee Freedmen
D 645

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of Esther Holt for the enrollment of herself as a Cherokee freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-7

Commissioner in Charge.

COMMISSIONERS:
TAMM HIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

WM. O. BRALL,
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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REPLY IN REPLY TO THE FOLLOWING
Cherokee Freedman
3-44

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 1, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the application of Esther Holt for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 25, 1904.

Respectfully,



Commissioner in Charge.

Cher Fr D 646

Cher Fr D 646

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 10th, 1901.

In the matter of the application of Peggie Rowe Archer for the enrollment of herself, her four children and three grandchildren as Cherokee freedmen; said Rowe being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Peggie Rowe Archer.
Q How old are you? A 53.
Q What is ~~xxx~~ your post office? A Chelsea.
Q What district do you live in? A I live in the Creek Nation.
Q You want to be enrolled as a Cherokee Freedman? A Yes, sir, in this is my place.
Q Well, did you ever apply to be enrolled in the Creek Nation? A No, sir.
Q Never did? A Never has.
Q What part of the Creek Nation do you live in? A In Concharita District.
Q Do you apply to be enrolled as a Cherokee Freedman yourself?
A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got? A Six.
Q Is your name Rowe? A Yes, sir.
Q I thought you said it was Peggie Rowe Archer? A Peggie Archer Rowe.
Q Dinah one of them? A Yes, sir.
Q Dinah about 20? A Yes, sir.
Q Katie the next one? A Yes, sir.
Q How old is she, about 18? A I think she is that, I don't know.
Q What is the next child, Annie? A Annie.
Q She is about 16 is she? A Yes, sir.
Q What is the next one's name? A Ruthie.
Q She is about 13? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A It ought to be on the Clifton roll.
Q Has Katie got some children? A Yes, sir.
Q Is she married? A No, sir.
Q How many children has Katie got? A Two.
Q What are their names? A Clarence and Rogers.
Q How old is Clarence? A I think Clarence is going on five years old.
Q How old is Rogers? A Rogers is about 2; Dinah has got one.
Q What is its name? A Agnes Porter.
Q How old is Agnes? A About five years old.
Q Now, Agnes is Dinah's child is she? A Yes, sir.
Q What is Clarence's name? A Clarence Simmons.
Q Well, what is Rogers' name? A Rogers Wheat.
Q Well, have any of these other children been felling around?
A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation, examined and name of applicant not found thereon.

The Wallace Roll of freedmen of the Cherokee Nation, examined and applicants' names not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation, examined and names of applicants not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation, examined and names of applicants not found thereon.

- Q Did you draw the Kern-Clifton money? A No, sir, I didn't draw.
Q Did you draw for any of these children? A No, sir.
Q Well, did you draw the Wallace money? A No, sir.
Q Your name then is not on any of the rolls of that Cherokee Nation?
A No, sir, I don't guess so.

Peggie A. Rowe, et al.--2.

Q You didn't draw for any of these children? A I went to Mr. Kern and Clifton and they said they put my name down.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Belonged to Mrs. Archer.
Q Polly Archer? A Yes, sir.
Q Is she a Cherokee? A Yes, sir.
Q Is she living? A Yes, sir.
Q Well, where were you born? A Born in Saline District.
Q Well, did you go out of the Cherokee Nation during the war?
A Just a while before the war.
Q Where to? A Texas.
Q Well, when did you come back to the Cherokee Nation? A Come back when they said the treaty was made, '66.
Q What were you doing out of the Cherokee Nation in Texas before the war? A Working.
Q Did you run away from your Master? A No, sir, didn't have to run away.
Q Well, did your Master let you go to Texas, you were a slave weren't you? A My Mistress sent me to Texas just a little before the war.
Q Your Mistress sent you to Texas before the war? A Yes, sir.
Q Who with? A Clarinda Vann, her sister.
Q Your Mistress' sister? A Yes, sir.
Q Did she go to Texas? A Yes, sir.
Q You were sold down there wasn't you? A No, sir; dat paper told you I was not sold; she told me that if I wanted her to do any more to write to her.
Q You never draw any money from the Cherokee Nation at all, you nor your children? A No, sir.
Q Have you got any witnesses here? A Yes, sir, Katie and Johnson Vann.

KATIE VANN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q Your name is Katie Vann? A Yes, sir.
Q What is your age, Mrs. Vann? A 56.
Q Your post office? A Lenapah.
Q Do you know the applicant here, Peggie Archer Rowe? A Yes, sir.
Q How long have you known her? A Ever since she was a little girl.
Q Was she a slave? A Yes, sir.
Q To whom did she belong? A Mrs. Polly Archer.
Q Well, do you know whether she was out of the country at any time?
A Yes, sir, she went to Texas, she was taken.
Q When did she return? A '66.
Q Has she been living here ever since? A She didn't live in this Nation, she has been living in the Creek Nation.
Q She has been living in the Creek Nation ever since? A She has been living at Fort Gibson; I saw her there in '66 when I went there to draw rations.
Q She was taken to the State of Texas before the war? A Yes, sir.
Q How did that happen? A Her Mistress' sister went to Texas and she hired her from Mrs. Archer and taken her over there and after peace was declared she come back.
Q Did her Mistress' sister live in Texas? A She was there before the war.
Q And she hired this woman and took her down there? A Yes, sir.

PEGGIE ARCHER ROWE, the Applicant, recalled:

Q Are you married? A Yes, sir.
Q What is your husband's name? A George Rowe.
Q Is he a Cherokee? A No, sir, he is a Seminole-Creek.
Q When did you marry him? A Married him just a little before

left Texas.

Q Married him in Texas? A Yes, sir.

Q Have you been living with him ever since? A Yes, sir.

Q Been living down in the Creek and Seminole Nation? A Yes, sir.

Q Out in Conchara? A Yes, sir.

BY W. W. HASTINGS, Cherokee Representative:

Q What is your oldest child's name? A Cully.

Q And how old is Cully? A You will have to call him in here and swear to his own age, I can't tell anything about his age.

Q This is his age here on this paper? A Yes, sir.

Q Who made out this paper, him? A Yes, sir.

Q His age is put down here as 30 years of age? A Yes, sir.

Q He was born down in Texas was he? A He was born here.

Q You were married in Texas you said? A Yes, sir; but didn't have any children at all until I got here.

Q That is the first child you had? A Yes, sir.

Q Well about how long after you come up here was Cully born, the next year? A Yes, sir.

Q Did you ever see Aunt Katie Vann here? A Yes, sir.

Q Where did you see her? A Down there to Gibson.

Q Who were you living with over there? A I don't know who she was living with.

Q Who were you living with over there? A Over to Creek Nation?

Q Yes. A Living with my brother-in-law.

Q You never lived in the Cherokee Nation since the war? A No, sir.

Q Never have? A No, sir.

Q You never saw Katie Vann in the Cherokee Nation here did you?

A Yes, sir, I have been up and down.

Q Over there on a visit? A Yes, sir, stayed two months with her.

Q Where was she living when you stayed two months with her?

A Over at Mrs. McNairs.

Q That is the first time you ever saw her after the war was it?

A Yes, sir.

Q Where did you ever see her after the war, Auntie, honest, be right? A Why tell you honest and you won't believe me; if I go to work and tell you a lie you will believe me.

Q I want you to tell me where you saw her first? A I saw her at Gibson.

Q Did you have Cully with you? A No, sir; how could I have Cully with me.

Q Wasn't born was he? A He, sir.

Q Auntie, who did you come back up here with? A From Texas?

Q Yes. A Old man John Rowe brought us all here.

Q John Rowe? A Yes, sir.

Q What kin is he to you? A He is a cousin of mine and belonged to Dave.

Q Did John come over to Fort Gibson? A Yes, sir, we came through there.

Q Did you come along with any Cherokees? A No, sir, we come ourselves.

Q That woman you went to Texas with, Clarinda Vann, she was named Clarinda Somers, wasn't she? A Yes, sir.

Q You know the boy Joe don't you? A Yes, sir.

Q Joe knows when you left there? A No, sir, he don't.

Q You nursed him down there didn't you? A Yes, sir.

Q Well, now, about how old was he when you left?

A I don't know; I can't tell you something I don't know.

Q His mother died in Texas? A His mother died in Texas.

Q Joe's mother's mother didn't she? A Died here.

Q Did she come back after the war? A Yes, sir.

Q Did Joe have any other brothers or sisters? A Yes, sir, had one brother Cull and Annie.

Q Were they older or younger than Joe? A Joe was the baby boy.

Peggie A. Rowe, et al.--4.

Q They are living in Texas yet aren't they? A They are dead.
Q How long after you came back until you saw Mrs. Archer, after the war? A Saw her two or three times.
Q Well how many years after the war? A I never saw her until the year I went to get these affidavits made out.
Q You never saw her until then did you? A No, sir.
Q I believe you stated that you never have lived in the Cherokee Nation; you have lived in the Creek Nation ever since the war?
A Of course I have; I wasn't going to tell any lie.
Q Where was Gullie born? A Gullie was born in Cancharata.
Q How long had you been there? A I don't know.
Q First year after you came up there? A I don't know; I have been there ever since.
Q I want to know how long you were down to Cancharata after the war? A I don't know.
Q But he was your first child? A Yes, sir.
Q And you were married in Texas? A Yes, sir.
Q How far did you live from that woman, from Katie Vann, the witness? A Lived right close together, Katie Vann is my uncle's wife.
Q Where was this woman, Katie Vann, living when you came back here?
A I don't know where she was living, in Gibson I reckon; don't know whether she was staying there or what, she was there; didn't stay there long enough to know anything.
Q You didn't? A No, sir.
Q Just come over there on a visit? A No, I was going over in the Creek Nation.
Q Well how long before the war was it; you went to Texas in '47?
A It was just a little before the war.
Q Well, about how many years? A I don't know, maybe not a year.
Q That is your best judgment is it? A That is all I can judge.
Q Did you ever see Mrs. Archer after that? A While I was in Texas?
Q Yes. Q No, sir, I seen her daughter's there, Lou and Mary Archer.

BY COM'R NEEDLES:--

Q Now, Peggie is your husband living? A Yes, sir.
Q He is living over in the Creek Nation? A Yes, sir.
Q Did these children of yours ever draw any Creek money?
A No, sir.
Q Ever been enrolled over there as Creeks? A No, sir, Creeks don't recognize the Cherokee people over there; they recognize them as Cherokee citizens; never did draw, never tried to.
Q Did your husband draw Creek money? A He draws Seminole money; he is a Seminoles.
Q But he lives in the Creek Nation? A He lives in the Creek Nation.
Q Got a farm over there in the Creek Nation? A Yes, sir.
Q How many acres? A I can't tell you.
Q Your husband is named Rowe is it? A Yes, sir.
Q What is his first name? A George.

BY MR. HASTINGS:

Q What is your post office? A Onoka.
Q That has been your post office all the time? A Yes, sir.
Q You didn't have any witnesses before the Kern-Clifton Commission?
A No, sir; you told me you didn't want Tom Archer to go in there any more; I told you Tom Archer was my witness; I want to tell you what you said; you was the one that would not call my witnesses, you would not have him in there.

Peggie A. Rowe, et al., vs.

BY COM'R NEEDLES:

Q Have you got anybody leading to your case for you?

A No, sir.

KATIE VANN, the Witness, recalled:

BY MR. HASTINGS:

Q Where were you living in 1866? A On Grand river, at Martha Vann's place, Dave Vann's mother.

Q You saw this woman at Fort Gibson? A Yes, sir. Went down there to draw rations.

Q And she was there to draw rations? A I don't know what she was there, I was there after something to eat myself.

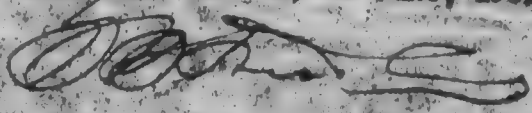
COM'R NEEDLES: Peggie Archer Rowe applies for the enrollment of herself and four children, Dinah, Katie, Annie and Ruthie. She also applies for the enrollment of her two grandchildren, Clarence Simmons and Rogers Wheat, and avers that they are the children of her daughter, Katie, for whom she applies. She also applies for her grandchild, Agnes Porter, whom she avers is the daughter of her child Dinah. The name of the applicant and name of her children are found upon any of the rolls in the possession of the Commission, the rolls have been duly examined and their names cannot be found. She avers that she resides in the Creek Nation and has resided there ever since '66 and that her husband, George Rowe, is a Seminole citizen; and avers that she was taken to Texas before the war between the United States and the Confederacy, and returned in 1866. Reference is made to her testimony. From the fact that her name does not appear upon any of the rolls of the Cherokee Nation, said Peggie Archer Rowe and her children and grandchildren, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration of the Commission. It will be necessary for her to make satisfactory proof of the birth of her said children and grand children, they not being identified upon any of the rolls; blank affidavits for that purpose will be furnished.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 21st day of June, 1901.



Commissioner.

No. FD 646

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901

Given under my hand this
day of..... A. D. 1901.

.....
Marshal for the Cherokee Nation.

.....
I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

.....
Attorney for applicant.

.....
**UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.**

I do solemnly swear that I delivered a
true copy of the within notice to.....

.....
on the..... day of..... A.D. 1901

.....
Subscribed and sworn to before me
this..... day of..... A.D. 1901.

.....
Notary Public.

.....
**Proof of Service made
and original filed with the
DAVES COMMISSION.
SEP 30 1901**

NOTICE!

IN THE MATTER OF the application of
for enrollment as a Cherokee citizen:

Case No. D. 646

To

Peggy A Rowe Chaska
You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.*
Indian Territory, on ~~1901~~ *Oct 8 1901* at *8 o'clock A. M.* or from day

to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *SEP 17 1901*

B. Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

File with Cherokee Freedman D-846, Peggy A. Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I.T., October 8, 1901.

In the matter of the application of Peggy A. Rowe, et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Applicant present in person:

J. S. Davenport, of counsel for Cherokee Nation.

MARY F. ARCHER, being duly sworn by Commissioner Needles, tes-
tified as follows:

Mr. Davenport: What is your name? A Mary F. Archer.

Q Where do you live, Mrs. Archer? A Near Pryor Creek.

Q How long have you lived in the Cherokee Nation? A Well, I have
lived in it always.

Q What was your maiden name before you married? A Wann.

Q Had you a sister who married a man named Sumner prior to the
war? A Yes, sir.

Q What was her name? A Her name was Clarinda.

Q Was Clarinda Sumners living in the Cherokee Nation when the
war broke out? A No, sir.

Q Where was she living? A Texas.

Q Did she return to the Cherokee Nation after the war? A A number
of years after the war.

Q About how long ago was it since she came back to the Cherokee
Nation? A Well I expect 15 years.

Q Is she living or dead? A She is dead.

Q How long did she live after she returned to the Cherokee Nation?

A About six months or eight.

Q Do you know whether or not her family was admitted, or her children
was readmitted after they came from Texas? A Her son was.

Q What is his name? A Joe Sumners.

Q Do you know a colored woman here, the applicant here, who now
goes by the name of Peggy Rowe? A I used to know her, knew her before
the war.

Q Do you know whether or not she went with your sister to Texas
when she moved to Texas prior to the war? A Yes, sir, she went with
her.

Q Do you know where she was living when the war broke out? A She
was in Texas.

Q When did the applicant return to the Cherokee Nation to live, if
you know? A I don't know.

Q Do you know whether or not she has ever made her home here in
the Cherokee Nation since she went to Texas with your sister? A I
think not.

Q When did your sister go to Texas? I mean with reference to the
war, how many years before the war? A A number of years before
the war, say ten.

Q When did you first see the applicant after the war, about how
many years ago? A About two years ago.

Q The applicant came to your house did she? A Yes, sir.

Q Did you have any conversation with her then with reference to
where she was living when the war broke out? A She was in Texas
near the war broke out.

Q Had you any conversation with her at the time she came to your
house a few years ago, with reference to where she was then living?
A It was in the Creek, or somewhere, it was in the Creek Nation,
that is what I understood her when she came.

Commissioner: Who took Peggy Rowe to Texas? A Mrs. Summers.
Q Clarinda Summers? A Yes, sir.
Q Who owned her? A She lived with my family then.
Q Was she owned by your family? A Yes.
Q And did your family go to Texas at the same time? A No, they have never been to Texas.
Q If she was owned by your family, how did she get into Texas?
A She went with my sister.
Q Did your family hire her to your sister? A No, we just let them go.
Q You are a Cherokee citizen? A Yes, sir.
Q Always have been? A Yes, sir.
Q Then you owned Peggy Rowe when she went to Texas with Clarinda?
A Yes, sir.
Q You owned her then at the time of the emancipation then?
A Yes, sir, I guess it would be considered so.
Q When did Peggy come back from Texas? A I don't know when she come back, I never knew her any more till about two years ago.
Q You don't know where she has been living then from '88 to the present time? A No, but she said she was living in the Creek Nation.
Q But she belonged to your family and you are a Cherokee citizen?
A Yes, sir.
Q And she belonged to your family at the time of the emancipation proclamation? A Yes, sir.
Mr. Davenport: Your sister was a member of this family? A Yes, sir.
Q And when she started to go to Texas she was a Cherokee citizen too? A Yes, sir.
Q When her and her family returned, she had to be readmitted?
A Yes, sir.
Commissioner: What branch of your family did Peggy belong to?
A She belonged to me before the war.

Commissioner to Applicant: You want to ask Mrs. Archer anything? A No, sir.

Commissioner: This testimony will be made part of the record in Freeman case D-896 and D-897.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 24th of October, 1901.

W. H. McArthur

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Basie Johnson, B 546;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provision of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and perfect transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

H. S. P.

Chambers

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Peggy A. Rowe, et al., as Cherokee Freedmen, consolidating the applications of--

Peggy A. Rowe, et al., Cherokee Freedmen D-646. ✓
Cully Rowe, Cherokee Freedmen D-896. ✓
Freeman Rowe, Cherokee Freedmen D-897. ✓

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Peggy A. Rowe for herself, her minor daughters, Dinah, Katie, Annie and Ruthie Rowe and her minor grand-children, Clarence Simmons, Roger Wheat and Agnes Porter; by Cully Rowe for himself and by Freeman Rowe for himself.

The evidence in this case shows that Peggy A. Rowe was the slave of a Cherokee citizen at the commencement of the rebellion; that prior to the commencement of said rebellion she was taken out of the Cherokee Nation into the State of Texas, and that she did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that all the other applicants herein have been born since 1866 and are the children and grand-children of the said Peggy A. Rowe; that they have only such rights as may be possessed by the said Peggy A. Rowe.

It further appears that the names of none of the applicants herein appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Peggy A. Rowe, Dinah Rowe, Katie Rowe, Annie Rowe, Ruthie Rowe, Clarence Simmons, Roger Wheat, Agnes Porter, Cully Rowe and Freeman Rowe as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tamm Dixby.

Chairman.

SIGNED

T. L. Needles.

Commissioner.

C. R. Brookbridge.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

APR 20 1904

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-646 et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Peggy A. Rowe et al., rejecting the applications for the enrollment of Peggy A., Dinah, Katie, Annie and Ruthie Rowe, Clarence Simmons, Roger Wheat, Agnes Porter, Cully and Freeman Rowe as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Enc. D-179

Commissioner in Charge.

Cher Fr D 647

Cher Fr D 647

To be filed in *447 Ida Jones et al*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
OKLAHOMA, T. T., JUNE 7th, 1901.

In the matter of the application of Cornelius Ridge for the enrollment of himself and three children as Cherokee Freedmen and for the enrollment of his wife as a Cherokee Freedman by intermarriage; said Ridge being sworn and examined by Commissioner T. B. Needles; testified as follows:

APPEARANCES:

Messrs. Kellogg & Smith, for applicants;
Mr. W. W. Hastings, for Cherokee Nation.

- Q What is your name? A Cornelius Ridge.
Q What is your age, Mr. Ridge? A About 49 I guess.
Q What is your post office? A Spavinaw.
Q What district do you live in? A Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself, Mr. Ridge?
A Wife and three children.
Q What is your wife's name? A Laura.
Q How old is Laura? A She is about 45.
Q What is the name of your first child? A Pearl.
Q How old is Pearl? A About 24 I guess.
Q The next child? A Jesse.
Q How old is Jesse? A 12.
Q The next one? A Myrtle.
Q How old is Myrtle? A I guess she is about eight.
Q Is your name on the roll of 1866? A No, sir.
Q Is your wife's name? A No, sir.

BY MR. KELLOGG:

- Q Where do you live? A I live in Saline District, Cherokee Nation.
Q Who is your mother? A Katie Ridge.
Q Do you know whether or not she applied for enrollment at Vinita?
A Yes, sir, she did.
Q What sister did you have? A Phoebe and Mary, two sisters.
Q Did they marry either one of them? A Yes, sir.
Q Who did marry Mary? A She married a Melton.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Herman Ridge.
Q Was he an Indian? A Yes, sir, he was an Indian.
Q Where did he live before the war? A He lived in the Cherokee Nation part of the time and part of the time I guess in Arkansas.
Q Where was he living when the war commenced? A He was here in the Cherokee Nation.
Q Were you living with him? A No, sir, I wasn't with him.
Q Where were you? A I was with my mother.
Q Where was she? A She was taken out of the Cherokee Nation.
Q You were his slave though? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q In what did you come back to the Cherokee Nation first after the war? A Come back in '66.
Q Where did you come to? A Come to Honey Creek in the Cherokee Nation.
Q Who was with you at any time? A My father and mother and my family, of my father and mother.
Q Well, what names of your father's and mother's were with you, you have named your father and mother and yourself? A Two sisters.
Q What were their names? A Phoebe and Mary and a brother, Jesse.
Q Is Jesse alive? A No, sir, he is not alive.

Cornelius Ridge, et al, -- 2.

- Q Where do you live now? A I live in Saline District.
Q What is your post office? A Spavinsburg.
Q How long have you lived there? A About, I guess about 30 years.
Q You are not on the 1880 rolls? A No sir.
Q Are you on the Fern-Clifton rolls? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Fern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 156, #3886, Cornelius Ridge, Coowasecoowa District.
Page 157, #3880, Pearl Ridge, Coowasecoowa District.
Page 157, #3881, Jesse Ridge, Coowasecoowa District.
Page 157 #3882, Myrtle Ridge, Coowasecoowa District.

The Wallace Relief Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 153, #3185, Cornelius Ridge, Saline District.

APPLICANT: She (meaning his wife) is a white woman.

- Q Mr. Ridge, have you any witness you want to examine now, any witnesses present? A No, sir.
Q Have you witness that you think you will be able to get before the Commission closes at Nowata? A Yes, sir.

BY MR. HASTINGS:

- Q How old are you? A I don't know, I guess I am about 49.
Q About how old were you when the war came up? A Don't know.
Q What Ridge was your mother? A Yes, sir.
Q What was your father's name? A Henry.
Q Where were you living when the war came up? A I were living with my mother in at the Doctor Polston's.
Q Well where was Doctor Polston living? A He was living near what is called Peter's prairie.
Q How far is that from South West City, Missouri? A Well I don't know hardly exactly I expect it is probably two or three miles.
Q You were living when the war broke up were you? A Yes, sir.
Q How long had you been there? A I don't know, I don't suppose I had been there so very long; I don't know just how long I had been there.
Q Did Doctor Polston have a wife? A Yes, sir.
Q What was her name? A Her name was Flora.
Q Was she living then? A Yes, sir.
Q How many children had he when the war came up? A I don't remember.
Q Dr. Polston's wife was your Mistress? A She was a sister to my father.
Q You don't know how many children he had? A No, sir.
Q Did he have any children? A Appears to me like there was one or two, I am not sure.
Q Boys or girls? A I don't hardly remember.
Q You don't remember? A No, sir.
Q What kind of a house did Dr. Polston live in, on Peter's prairie?
A Well, sir, I could not describe the house at all.
Q Did he get water out of a spring or well? A Out of a spring.
Q You remember that do you? A Yes, sir, it appears to me like that is right.
Q Are you certain? A No, sir, I am not quite positive but seems to me like there was a spring.
Q Did Dr. Polston have a farm there? A Yes, sir.
Q Have an orchard? A I don't hardly remember, don't seem to me

like there was an orchard; might have been, I won't be sure.

Q What did you say your Master was? A Herman Ridge.

Q Now, where was Herman living? A Well, sir, I don't know where he was living; he was an intermarried man.

Q He had no home in the Nation did he? A The last account I know of Herman was that when he joined the army.

Q Well, where was he living just before he joined the army?

Q I don't know sir, I could not tell you?

Q Well now, you came back here did you with your father and mother?

A Yes, sir.

Q Now what was the first point you came to? A In the Nation?

AQ Yes. A On Honey Creek.

Q Now, what place on Honey Creek did you return? A Well, I don't know the name of the place at all, but as near as I can remember it was about probably there, or four miles down the creek from where South West City now is.

Q That is the point you came to was it? A Yes, sir.

Q That was near your old home? A Yes, sir.

Q You came right back to the old home didn't you? A No, sir, not right exactly.

Q Well about how far from your old home? A It don't, it must have been, probably a mile and a half from the old Ridge place.

Q Did you build a house? A No, sir.

Q How did you live there? A Went into a house that was there.

Q That was vacant? A Yes, sir.

Q How long did you live there? A Well, sir, I expect we were there some time like three or four months.

Q Then where did you go? A Went to Missouri.

Q Joplin? A Yes, sir.

Q You were married at Joplin, weren't you? A Yes, sir.

Q What is your oldest child's name? A Ida.

Q Is she living? A Yes, sir.

Q How old is Ida? A Ida's about, I don't know, 24 or 25 I guess.

Q Well, isn't Henry older than Ida? A No, sir; he is younger.

Q And where was Ida born? A Ida was born on Grand river.

Q Near what place? A On Lynch's prairie.

Q How long after the war was it until you come down to Lynch's prairie? A How long after the war you ask me?

Q That is the question. A I don't know, something about like three or four years.

Q George Clark was living right near you then? A Yes, sir, George Clark was living there.

Q That the only time you claim to have come back to the Cherokee Nation before that was when you were up on Honey Creek? A Yes sir.

Q And you lived there you say about two or three months? A Yes sir.

Q Now, what kind of a house was that you moved into? A It was a log house.

Q Now, what direction from the old Polston was that log house that you moved into? A Well, if I am not mistaken and kinda turned around I say out south.

Q Did you go to the old place while you were there? A Polston place; yes, sir.

Q Who was living there? A Dr. Polston.

Q Was his wife there with him? A Yes, I am not right sure; let me think over that a little, yes, sir, I think she was.

Q Did she have any children there? A Yes, sir.

Q Do you know their names? A No, sir, I don't.

Q What did you do for a living down there? A Didn't do anything.

Q Do you remember any witnesses you saw down around there? A No, sir, I don't remember any one.

Q Where did you get anything to eat? A Brought provisions with us.

Q And just camped out down there in a house? A No, sir, we lived down there in a house.

Cornelius Ridge, et al, 4.

Q You never worked for anybody? A Never done a day's work for anybody as I know of.

Q Well, what year were you there? A We were there in the fall.

Q About what month? A Well, sir, I don't know hardly, I expect though, it was in or near the month of October, September or October, somewhere, along about there.

Q Were you up about that town there, while you were down there on Honey Creek? A No, sir.

Q You didn't go to any town? A No, sir; what do you mean, Southwest City?

Q Yes, sir. A No, sir, there wasn't no town there; we come right past there and there wasn't no town there.

Q Did you have any neighbors down there where you lived in that little house, any people living anywhere around you? A No, sir, none that I know of; none that I was acquainted with except Polston.

Q None except Polston? A No, sir, that I can remember now.

Q You don't remember any of those Indians that were living about you? A No, sir; I don't remember, there was none living there as I know of.

Q Was there any field connected with your house you lived in?

A No, sir.

Q What did you get water out of, creek, spring or well?

A Spring.

Q What direction was the spring from the house? A Well, sir, I don't know.

Q You don't remember? A Appears to me though like the spring was east, not to be positive.

Q How far was the home place from Honey Creek? A I presume something over a mile and a half.

Q Were you north or south of the creek? A Well I would say south.

Q Dennis Hicks' wife your sister? A Yes, sir.

Q Was she older or younger than you? A Younger.

Q Where was she born, before the war or after, and when? A She was born before the war, I don't know where she was born at.

Q Did she go this round with you? A Yes, sir.

Q Your mother was with you? A Yes, sir.

Q Your father? A Yes, sir; I think though Dennis' wife was born in Arkansas.

Q Before the war? A Yes, sir, I think she was.

Q Well, now in all these rounds you want your father and mother, and all the members of your family would go with them? A Yes, sir.

BY JOHN R. HEDGECOCK:

Q Well, you apply for your wife as an intermarried citizen do you?

A Yes sir.

Q When were you married to her? A I don't know sir, about 1867 I guess.

Q Have you been living wither continuously since that time?

A Yes, sir.

Q Living with her now? A Yes, sir.

Q Where were you married? A Married in Missouri.

Q She is a state woman? A Yes, sir.

Q Where were you living in 1867? A In Missouri.

Q Brought your wife back with you when you went? A Yes, sir.

BY MR. HASTINGS:

Q Sephin is in Missouri, isn't it? A Yes, sir.

BY MR. SMITH:

Q What time, Cornelius, did you leave the Cherokee Nation after you came here in 1866; how long did you stay here in 1866? A He came in the fall and left after Christmas.

Cornelius Ridge et al v.

- Q Were you a married man at the time you came here in 1860? A Unmarried.
Q Why did you leave the nation, the Cherokee Nation, at that time?
A We didn't have anything to live on.
Q Where did you go after that?
A I went to Joplin, Missouri.
Q How long did you stay there?
A About three or four years, I presume.
Q And then where did you go?
A I came on down here.
Q In the Cherokee Nation? A In the Cherokee Nation.
Q Have you been living in the Cherokee Nation ever since?
A Yes, sir.
Q In the meantime you had married?
A Yes, sir.
Q Did you bring your wife back here with you when you came?
A Yes, sir.

BY MR. HASTINGS:

- Q What time did you say you came back to the Cherokee Nation?
A Yes. A In about three or four years I guess.
Q After you went up there?
A Yes, sir.

DOY R. REEBLES: Cornelius Ridge applies for the enrollment of himself and three children, Pearl, Jennie and Myrtle, as Cherokee Freedmen; he also applies for the enrollment of his wife, Laura, as a Cherokee Freedman by common-law marriage. He cannot be identified upon the authenticated roll of 1860 or the census roll of 1880, yet he and his children are duly identified upon the New-Clifton pay roll, and he upon the Wallace roll. He avers that he was married to his wife, Laura, a state years in the year 1851, and has lived with her continuously ever since that time. He makes satisfactory proof as to his residence, and in this connection, he requested by counsel that the testimony taken in the present case be made a part of the record in the application of Dennis Hicks who was listed for enrollment as Cherokee Freedman with D. #335, and it is ordered that the testimony taken in the application of Katie Ridge for enrollment as a Cherokee Freedman, who was duly listed for enrollment as D. Card #295, be made part of the record in the present case and a copy of the same be filed in the case of the application of Cornelius Ridge. The said Cornelius Ridge and his children as enumerated herein will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card, for the further consideration of the Commission. The application will be satisfied by mail as to the final decision of the Commission.

J. O. Reason, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, and he has carefully recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 1st day of May, 1906.
J. O. Reason,
Stenographer.

M. D. Green, being first duly sworn, states that he is a member of the Commission to the Five Civilized Tribes, and that same is a true and correct copy of the original.
Subscribed and sworn to before me this 1st day of May, 1906.

[Signature]

. To be filed in CVD.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C., May, 15th 1901.

On the matter of the application of Paris Ridge for enrollment as a Cherokee Freedman, and being sworn by Commissioner T. B. Nealley,
Testified as follows:

Q Now in your name? A David King.
Q Now did you go? A I guess I did. I was in when the store took
it. It is your post office address? A Yes.
Q Is that in Delaware District? A No sir, in Galena.
Q Do you want to be enrolled as a member, Abraham? A Yes sir.
Q Have you been recognized by the Overseers authorities as a Overseas
member? A I want hear good.
Q Is your name on the roll of labor? A No sir.
Q Did you draw steps away? A Yes sir.
Q And do you want to have enrolled as a member? A No one sir.

The 1880 census showed roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q You say your name is not on the roll of 1880. Do you know why?
A No sir.
Q Was you a slave? A Yes sir.
Q Who owned you? A Burnes, Negro.
Q Was he a Cherokee Indian? A Yes sir.
Q Did he live here in the Cherokee Nation? A Yes sir, he lived
here a part of the time.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Springfield, Missouri.
Q How long did you stay there? A About a year.
Q When did you come back to the Cherokee Nation? A In 1868.
Q Have you been lived in the Cherokee Nation ever since 1868?
A Not all the time when we came back here we stayed a little while
and then went up to Joplin where we stayed some time. There was nothing
to eat and we had about to starve and we heard that Joplin was a
good town and we went up there but when we got there we found
Q Did you come from Springfield to Joplin? A Yes, we came here
first.
Q How long did you stay in Joplin? A About a year.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Where did Abram Tucker live? A Just at the time in Fayetteville,
his father took the Cherokee there to school then.
Q Was that in Arkansas? A Yes sir.

Q By A. H. Bell, what are the names of the
A Did you go into a room where there was a
woman who moved in there? A Yes, that is John's mother
went up there and lived with her. A How long did she stay
A Not long, just a few days. A Did you go up
up a good while? A Yes, I was there for a while.
go there and stay? A Yes, I would go there and stay.
take us back to the room? A Yes, I would take us back to the room.
Q What was your name? A My name is John Bell.
Q Did you know John? A Yes, I knew John.
Q Did you know John's mother? A Yes, I knew John's mother.
Q Where did John live? A John lived in the room.
Q Did you live with him? A Yes, I lived with him.
Q Would you stay with him? A Yes, I would stay with him.
Q Where was John's mother? A John's mother was in the room.

Katie Ridge 2.

down to Polston's then and then back to Fayetteville. Herman Ridge and Polston's wife was brother and sisters.

Q. Didn't you live out closer to Bentonville than to Fayetteville?

A. My Mistress lived there away after they killed John Ridge, she went from Honey Creek to near Bentonville then.

Q. How long did you live on that farm? A. I don't know.

Q. When did Polston live on that farm? A. I don't know exactly.

Q. How long had he been living there when the war broke out? A. I don't remember.

Q. Several years? A. I don't know.

Q. You don't know anything about it? A. I don't know of him all the time.

Q. Herman Ridge lived in Washington County Arkansas didn't he? A. No sir.

Q. Well, tell me where he lived then? A. In Fayetteville.

Q. That is in Washington county? A. I didn't know.

Q. He was Mrs. Ridge's son? A. Yes sir.

Q. He lived up there when she moved there? A. Yes sir.

Q. And that was right after the killing of John Ridge? A. Yes sir.

Q. He lived there until the war broke out and then he went to the war himself and got killed? A. Yes sir.

Q. Where is your husband now? A. Henry? A. He is dead, he died in small pox time.

By the Commission-

Q. Where did your master die when he was killed? A. Somewhere in the Territory- he was in the Southern Army.

Q. Was he married or single? A. Single.

Q. He went to the army from Arkansas? A. Yes sir.

SIMON LYNCH, called and sworn as a witness by Commissioner T.B. Needles, testified as follows on the part of the applicant:

Q. What is your name? A. Simon Lynch.

Q. How old are you? A. 71.

Q. What is your present office address? A. Spavinaw.

Q. Are you a recognized Freedman of the Cherokee Nation? A. Yes sir.

Q. Is your name on the roll of 1867? A. Yes sir.

Q. Do you know Katie Ridge? A. Yes sir.

Q. How long have you known her? A. I don't know how long it had been I knew her before the war.

Q. Who did she belong to? A. Mr. Ridge.

Q. Was he a Cherokee citizen? A. Yes sir.

Q. Was he an Indian? A. Yes sir.

Q. Where did he live? A. On Honey Creek.

Q. Was Katie taken out of the Cherokee Nation during the war? A. I don't know.

Q. Where did you first see her after the war? A. On Honey creek.

Q. When was that? A. In '66.

Q. Has she been living there ever since? A. No sir she left there once.

Q. She went to Replin didn't she? A. Yes sir.

Q. Has she been living here for the last 20 years? A. Yes sir.

Q. Her master was that? A. Herman Ridge.

Q. Was he a single man when he was killed? A. I don't know.

Q. Do you know of him ever living outside of the Cherokee Nation?

A. I think he did.

Q. Was he living in Arkansas? A. Yes sir.

Q. Was that before the war? A. Yes sir.

Q. Who did he live with in Arkansas, his father and mother? A. I don't know.

Katie Ridge 3.

Q What time of the year was it you say his Appli. ant on Honey Creek in '66? A The summer of '66, I dont know just what time, but it was in the summer time.

Q What was you doing there? A I went to South West City.

Q You saw this woman there? A At the old place, Dr. Somebody owned it then.

Q Was he there? A No sir.

Q How far is that from South West City? A Aint very far, I dont know just exactly how far.

Q Is it a half a mile? A Yes sir several miles.

Q Were you ever at the place before? A Yes sir, been there lots of times there.

Q What was you doing there? A I went to Mr. Foodell's shop and staid at Mr. Ridge's every time I went to the shop.

Q Where did you go to from the shop? A On Batias Prairie.

Q Where did you come here first after the war? A The first time I came was in '65, and then moved here in '66.

Q That time in '66 did you move here? A In February.

APPLICANT RECALLED: Examined by Commissioner Needles:

Q Did you get your strip money? A Yes sir.

The Korns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:

Page 156, no. 1363, Katie Ridge, Cooperscove District.

By Com'r Needles,-

Katie Ridge applies for herself; she is not found on the authenticated roll of 1890 of the census roll of 1896 but she is identified on the Korns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a doubtful card for the reason that her name is not found on the authenticated roll of 1890 and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrive at a conclusion in her case she will be notified by mail.

Chas. von Weitz, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weitz.
Subscribed and sworn to before me this 18th of May, 1901 at Vinita, I. T.

(signed) T. E. Needles,
Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

(signed) M. D. Green
Subscribed and sworn to before me this September 4th, 1901.

(signed) Commissioner.

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Department of the Interior,
Commission to the Civilized Tribes,
Vinita, Indian Territory.

COMMISSION TO THE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

SEP 18 1901
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In the matter of the application of Katie Pidge for citizenship
or a check of freedom.

Supplemental deposition of the applicant.

Applicant proposed that she be examined by the attorney.

Attorney L. H. Jones, his deputy and examined by Commissioner

of the Territory of Oklahoma.

Q Now is your present address? A Vinita.

Q What is your post-office address? A Vinita.

Q Are you a resident of the Territory of Oklahoma? A Yes, sir.

Q How long have you lived in the Territory? A Since 1890.

Q First how long they were up there on Turkey Creek and where

did you live? A I lived there for about a year.

Q What year was that? A That was about in the fall of '90.

Q It was?

Q You saw her in the fall of 1890 about a year, sir.

Q Give me some idea when that was? A Yes, sir, after they

came down here, I got acquainted with them; he said it was about

the middle of the year that was up there on Turkey Creek.

Q Did you know the Katie Pidge, the applicant here, at the same

time you saw her on Turkey Creek in the fall of 1890? A Yes, sir.

Q Is your name written on the application? A No, sir, I don't

know all the names, all I know is that then is what they were calling

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the Application of Katie Ridge for enrollment
as a Cherokee Freedman.

Supplemental testimony.

Applicant present.

Cherokee Nation present, by its attorneys.

ANDERSON LYNCH, being duly sworn and examined by Commissioner
Needles, testified as follows:

Q. What name is Anderson Lynch? A. Yes, sir.

Q. How old are you? A. About 54.

Q. What is your post-office address? A. Vinita.

Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.

Q. You know Katie Ridge? A. I didn't know her when I first saw her.
When I first saw they they were up there on Honey Creek and someone
said that was the Ridge.

Q. What year was that? A. That was along in the fall of '86, I
think it was.

Q. You saw her in the fall of 1886 then? A. Yes, sir.

Q. Have you known her since that time? A. Yes, sir, after they
came down here, I got acquainted with them; he said it was some
of the Ridges that was up there on Honey Creek.

Q. And you know the Katie Ridge, the applicant here, as the same
woman you saw on Honey Creek in the fall of 1886? A. Yes, sir.

Q. Do you know whether she was a slave or not? A. No, sir, I don't
know all the Ridges, all I know about them is what Simon was telling
me.

Q. Simon who? A. Simon Lynch.

Q. Did you know them before the war? A. No, sir, he knew them.

By L. J. Bell, Cherokee attorney: Where were you going in 1886?

A. Going up to Southwest City.

Q. How far is South West City from where they were living? A. I don't
know, sir, I never noticed; the first time I ever had been there,
and I just went along with Simon.

Q. About what time of the year was it? A. It was long in the fall
like.

Q. Can you recollect, early or late? A. It was early, it wasn't
so cold, I don't know we slept out, we were going up there.

Q. You don't recollect at that how far it was from where they lived
to Southwest? A. No, sir, I expect Simon knows, he was acquainted
up there and I wasn't.

Q. You went on from there to Southwest City did you? A. Yes, sir.

Q. Now where was Southwest City, in the Cherokee Nation of Missouri?
A. It was in Kansas or Arkansas, I don't know which, it was
across the line.

Briggs C. Jones, being duly sworn, says that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

(Signed) Briggs C. Jones.

Sworn to and subscribed before me, May the 16th of May, 1901.

(Signed) C. R. Shackelford,

Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he made the foregoing copy
and that same is a true and complete copy of the original manuscript.

Subscribed and sworn to before me this September 15, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHICKLENA, I.T., JUNE 26th, 1901.

In the matter of the application of Ida Jones for the enrollment of herself and three children as Cherokee freedmen; said Jones being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Ida Jones.
Q How old are you? A 25.
Q What is your post office address? A Spavinaw.
Q What district do you live in? A Saline.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Give me the names of your children? A Lee Martin.
Q How old is he? A 11 years old.
Q The next child? A Eddie Martin.
Q How old is Eddie? A Nine.
Q The next one? A Stella Martin.
Q How old is Stella? A Eight.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q On what rolls? A Kern and Wallace.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Ten Jones.
Q Is he living? A Yes, sir.
Q Is he a citizen? A No, sir.
Q What is known as a State man? A Yes, sir.
Q When were you married? A Been married five years; I have been married twice, my first husband is dead.
Q What was your first husband's name? A Jim Martin.
Q He is not living? A No, sir.
Q Are these children you apply for the children of James Martin, your former husband? A Yes, sir.
Q What was your father's name? A Cernalius Ridge.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Laura Ridge.
Q Is she living? A Yes, sir.

The 1880 Authenticated Roll of freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The Kern-Clifton Roll of freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 168, #4088, Ida Martin, Saline District.
Page 168, #4089, Lee Martin, Saline District.
Page 168, #4086, Eddie Martin, Saline District.
Page 168, #4087, Stella Martin, Saline District.

The Wallace Roll of freedmen of the Cherokee Nation examined and applicant's name found thereon, page 183, #5187, Ida B. Ridge, Saline District.

- Q Where were you born, Ida? A In the Cherokee Nation.
Q Have you lived in the Cherokee Nation all your life?
A Yes, sir.
Q Never lived out of it? A No, sir.
Q Are these children all living now? A Yes, sir.

COMMISSIONER:--Ida Jones applies for the enrollment of herself and three children, Lee, Eddie and Stella Martin. She avers that she was married to one James Martin, deceased, the father of her said children. Since then she has married one Thomas Jones, a noncitizen. She avers that she is

Ida Jones, et al--

the daughter of Cornelius Ridge, who is duly listed for enrollment as a Cherokee Freedman on Doubtful card #686. The testimony taken in the case of the said Cornelius Ridge will be made part of the record in the case at bar and a copy thereof filed herewith. She is duly identified upon the authenticated roll of 1898 or Census roll of 1896, and is identified upon the Kern-Clifton roll and Wallace roll. She makes satisfactory proof as to residence, consequently Ida Jones and her children, who are duly identified upon the Kern-Clifton roll, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration of the Commission. She will be notified by mail of the decision of the Commission when arrived at.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this First day of June, 1901.

J. H. [Signature]

Commissioner.

710647

F. D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this
day of A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190....

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with the
DAVES COMMISSION.
SEP 28 1904

NOTICE!

IN THE MATTER OF the application of Ida Jones
for enrollment as Cherokee Freedmen:
Case No. F. D. 647

To Ida Jones, Spavinaw, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.
Indian Territory, on Oct. 7th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 23 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

No. FD 647

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within
notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 1901

Given under my hand this
day of _____ A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
_____ day of _____, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to _____

on the _____ day of _____ A. D. 1901

Subscribed and sworn to before me
this _____ day of _____ A. D. 1901.

Notary Public.

Sept 17 - 1901
Proof of Service made
and original filed with the
DAVES COMMISSION.
SEP 30 1901

NOTICE!

IN THE MATTER OF the application of Ida Jones
for enrollment as a Cherokee citizen:

Case No. D. 10077

To Ida Jones Gaumnard Jr

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on Oct 7, 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L. B. Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

SUPPLEMENTAL: C.F. D-295, Kate Ridge.

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T., October 2, 1901.

In the matter of the application of Kate Ridge for enrollment
as a Cherokee Freedman.

TESTIMONY ON THE PART OF CHEROKEE NATION.

Appearances:

Mr. Mellette, of Mellette & Smith, attorneys for applicant,
Mr. L. B. Bell, of attorneys for Cherokee Nation,
and Mr. W. W. Hastings, of attorneys for Cherokee Nation.

W. R. WOOD, being sworn by Commissioner Needles, testified as follows:

BY MR. BELL:

- Q What is your name? A W. R. Wood.
Q What is your age? A 48.
Q Post-office address? A Zenia, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you living here when the war began? A Yes sir.
Q Where did you go? A Into the Choctaw Nation.
Q How when did you return to the Cherokee Nation after the close of the war? A In '68.
Q Where did you come to? A Came to a place known as the Polston place, on the south-west part of Peter's Prairie, Delaware District, Cherokee Nation.
Q How far was that from where the Missouri line crosses Honey Creek? A About a mile and a half.
Q When did you move onto to that place? A Moved on that place in the fall of '66, I don't remember the month exactly.
Q Well did you live there when the war began, or how come you to go on that place? A We lived on Whiteswater in the Cherokee Nation.
Q How come you to go on that Polston place? A I bought it from Dr. Polston, my father did.
Q How old were you at that time? A I guess I was about 14 years old.
Q Was there any town there at that time, near there? A No sir, there was no town, there was a little post-office and store over near the line that they called Honey Creek.
Q How long did you live there on that place? A We lived there about 2 years.
Q Then what did you do with it? A Sold it back to Dr. Polston.
Q And you left it? A Yes sir.
Q Well now you went there in the fall of 1866 and you stayed there then? A Until the fall of 1868.
Q During the year of 1866, that is to say, the winter of 1866, were there any freedmen living on that place? A No sir.
Q Were you acquainted with one Kate Ridge a Freedman? A No sir.
Q Cornelius Ridge? A No sir.
Q No parties of that sort lived down on that farm? A No sir.
Q Are you acquainted with what is known as the old Washburn place at that time? A Yes sir.
Q Was there any Freedmen living on that place at that time? A No sir.
Q How far is that from the Polston place? A About a mile and a half north and west.
Q Well now south and east of that place for a mile and a half around about that Polston place was there any other houses? A No sir, nothing but hills and hollows, no improvements whatever for 5 or 6 miles.
Q When did Dr. Polston re-buy that place from you bought it from him or did he own? A He bought it on the place when we left it.

in '58.

Q Where did he move from to that place? A He moved from Mayesville, Arkansas.

Q Where was he living during the year of 1867 after you bought that place from him? A He was living, I think possibly he moved out part of his family to Mayesville and part of them was in Fayetteville in the early part of '67, and in the winter of '67 they all moved there to Mayesville and lived there until he bought this place back.

Q Now do you know anything about where Dr. Polston was in the early part of '68, or where he came from when you saw him and your father bought the place? A He came from Arkansas.

Q He was a white man was he? A Yes sir.

Q Do you know when that, no, I don't guess you do either, you never did get acquainted with Katie Ridge did you? A Never have seen her that I know of.

Q There never was any Freedmen on that place from '56 after you bought it? A No sir, there wasn't but one house and we had it.

Q After that was there any Freedmen lived on the Washburn place that you know of? A Not that I had any knowledge of.

Q But you moved away from that place in '68? A Yes sir.

BY MR. WELLETTS:

Q How old are you, Mr. Wood? A 33 years old last July, sir.

Q You must have been about 13 years old then in 1866, that right? A Yes sir, going on 14 I think.

Q What did you mean by buying a place at that time, you didn't buy a place did you? A I said my father.

Q You were quite a young boy at that time? A Yes sir.

Q Do you remember well everything that took place in those days? A Yes sir, I do.

Q You paid particular attention to just who was living around there? A Yes sir, there wasn't so many but what you could count them very easy.

Q You were a 13 year old boy and still you recollect it at this time? A Yes sir.

Q What place are you talking about as the one that killed colored people did not live on? A On the Polston place.

Q Where was that? A On the south edge of Peter's Prairie in the Cherokee Nation.

Q Was that on Honey Creek? A No sir, it wasn't directly, the banks of Honey Creek, a mile I guess from the Creek.

Q How many Polston places were there in that country? A Just the one.

Q How do you know? A I lived there.

Q You were a boy 13 years old, can you remember that there were no other places belonging to Polston? A Yes sir.

Q Where did you go during the war? A I went to the Cherokee Nation.

Q When did you return? A In '66.

Q What time in '66? A Spring.

Q What time in the spring? A We left Carriage Point in the Cherokee Nation in April and I think we were possibly 3 months getting through.

Q Do you know Herman or Hiram Ridge? A No sir.

Q You don't know where he lived before the war then? A No sir.

BY MR. NEEDLES:

Q Are you a Cherokee citizen? A Yes sir.

Q By blood? A Yes sir.

Q What is your occupation? A I am farming and selling goods.

BY MR. NEEDLES:

Q Now you said you returned in 1866, did you come to the Cherokee Nation in '66? A No sir.

Q Where did you come to? A We landed up on Honey Creek in the edge of Arkansas or Mike Blevins' place.

Q And then moved down into the Cherokee Nation in '66? A Yes sir.

Katie Ridge etc (sup'1)3

Wm. H. WOODALL, being sworn by Commissioner Needles, testified as follows:

BY MR. BRILL:

Q Give your name, age and post-office? A W. H. Woodall, 59, Big Cabin.

Q This is a case, Mrs. Woodall, of Katie Ridge, Freedman woman, claiming to be a Cherokee slave before the war or a Cherokee, and now claims a right as a Cherokee citizen under the 3rd article of the Treaty of 1866, were you acquainted with the Ridge family, Cherokee? A Yes sir.

Q Where did you know them? A I know them in Fayetteville, Arkansas.

Q How did you get acquainted with them? A I married into the family.

Q Who was it? A I married Inezus Ridge.

Q About when was that? A I married him in '88, spring of '88.

Q Were you acquainted with one Herman Ridge? A Yes sir, he was my brother-in-law.

Q That was a brother of your husband? A Yes sir.

Q Were you acquainted with Miss Flora Belmont? A Yes sir, she was a sister to my husband.

Q Now you acquainted with Mrs. Sarah Ridge? A No, she died before I went there; she was the mother of my husband. She died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A In Fayetteville, at his sisters, Mrs. Washburn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation?

A No sir.

Q This name that he had was in Washington County, Arkansas?

A Yes sir.

Q Did you know a negro woman he had by the name of Katie? A Yes sir.

Q Did she have a husband named Henry? A Yes sir.

Q Have any children? A Yes sir.

Q Should you name any of them? A Cornelius is the only one I ever saw while I was there that I know of; you had other children, but I don't remember of ever seeing them when they were small; I have seen them since they were grown.

BY MR. BRILLITE:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Didn't he have a farm in the Cherokee Nation? A Not that I ever knew of, there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not; he always lived there; he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the Cherokee Nation, did you?

A No sir.

Q That was two years before the war began, say? A Yes sir.

Q Then did you see Katie Ridge back in the Indian Territory, in 1865? A I wasn't here in 1865; I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that day they asked me the same questions you have asked me; they didn't ask me whether he was here in '66 or not; they didn't ask me that question at all. They asked me if I knew her and knew she belonged to the Cherokee before the war, and I told them I did.

Q Are you a witness of the Cherokee Nation? A Yes sir.

Q Is that right? A By marriage.

Q Was Herman Ridge's brother?

A Yes sir.

Q And by virtue of marrying Herman Ridge's brother you claim to be a citizen of the Cherokee Nation? A Yes sir. I never lived in the Cherokee Nation during his lifetime; my husband is a Cherokee.

Q Your present husband is a Cherokee? A Yes sir.

Q Where did you live during the lifetime of Mr. Ridge? A We lived at Fayetteville, Arkansas.

Q How long did you live there? A A year and four months, that was as long as he lived.

Q That was up just about the beginning of the war? A Well I had lived there until '58. I left there in the fall of '58.

Q Where was the farm located that the father of Herman Ridge owned in the Cherokee Nation? A Well I don't know. It was somewhere on Honey Creek, but I don't know anything about the farm, that Herman Ridge owned?

Q No, that Herman Ridge's father owned? A Yes it was somewhere on Honey Creek, but I don't know anything about the place. I never was there. I suppose that Dr. Polston lived on part of it. I don't know though whether it was or not.

Q How long after the close of the war was it that you saw Kate Ridge in Springfield, Missouri? A I never saw Kate Ridge in Springfield, Missouri. I saw her husband.

Q O, you just saw her husband? A Yes sir.

Q Was she there? A I don't know. He said he was living near Springfield. Henry Ridge told me he was living there near Springfield at the time I saw him.

Q But you didn't see Kate at all? A No, I didn't see her. I didn't see any of his family at that time.

Q When did you see Kate Ridge then? A I saw her in '72 here in the Cherokee Nation, near St. Louis.

Q Where did you see her? A I saw her on the road toward Southwest City on the old Vicksburg road. That's all I can tell you. I don't know exactly where on the road I saw her. I was on my way back and met the wagon. I was with Sam Vicksburg's wagon, and she told me that was Uncle Henry and his family, and I stopped and spoke to him.

JOHN R. SHIELDS, being sworn to by Commissioner Hendrix, testified as follows:

BY MR. BELL:

Q Tell that gentleman your name, your age and post-office? A Grove is my post-office; my name is John R. Shields, my age is 35.

Q Are you a citizen of the Cherokee Nation? A I guess not.

Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through; we are one of those that got behind. I am not a citizen myself at all.

Q You are a white man, not an Indian? A Yes sir.

Q Where were you living in '66? A I was living 2 miles north of Southwest City, up on what is known as the "Long Road", line between the Cherokee Nation and Missouri.

Q Were you living 2 miles north of Southwest City or what is now called Southwest City? A 2 miles north of what is now Southwest City at the present time.

Q At the time you lived there was there a town on the present site of Southwest City? A No sir.

Q What was there? A Honey Creek without anything else. There was a man's farm there, crossing of the road in the creek; that was all town or village there at all.

Q Can you state just when a store was first put up there and a town started? A I cannot give the exact date, but directly after the war in '66 or perhaps '67.

Q Who was the first man that first carried a store there and I suppose were the first man to live there?

Q Was there a post-office there? A I don't know. I don't know what the name of the first man was.

Q What was the post-office name? A I don't know.

Katie Ridge (map 1) 5

Q What was the place called then? A Honey Creek. Did it

Q How long did it retain that name of Honey Creek, or when change back to Southwest? A It remained Honey Creek until there was a little village started up there and then it was changed to Southwest City.

Q Was that in one or two or three years? A Well yes, three years perhaps, somewhere along in that range, I don't know just when, I don't recollect the date as to when it was changed, but after the town was started a little.

MR. BELLETTE: I can't believe I want to get him anything.

JAMES M. BELL, being sworn by Commissioner Needles testified as follows:

BY MR. BELL:

Q Give me your name, age and post-office? A My name is James M. Bell, aged 52, post-office Needmore, St. Vincent, either one.

Q You are a citizen of the Cherokee nation and you? A Yes sir.

Q How long have you lived in this Cherokee nation? A Well with the exception of a few intervals I have been here since '89.

Q Well you have been here 40 years or more? A Yes sir.

Q Are you acquainted with John Ridge's family? A Yes sir.

Q Do you know when John Ridge died? A He was killed the 12th day of June, 1839.

Q Where did he live then? A He lived on Honey Creek, in Delaware District.

Q Did he leave a family? A Yes.

Q What was their name? A They were if you can do it. A daughter was the first child was not of sound mind, a girl, Rollen Ridge was the next, Herman, Eugene, Andrew, Susan, Washburn, Eliza Polston, constituted the family.

Q Well, how long did they continue to reside, or did they continue to reside in the Cherokee nation after John Ridge's death? A I think they moved out immediately, out of the country, they didn't remain long after the death of Ridge.

Q What became of them? A They moved to Benton County, Arkansas.

Q How long did they reside there, or did they continue to live there? A They were living there when I was visiting the family but afterwards moved to Fayetteville, that was in '55, sometime, that I was there.

Q That in Benton county? A In Benton County.

Q Then you say they afterwards moved to Fayetteville? A Yes sir.

Q Where is Fayetteville? A In Washington County, Arkansas.

Q You were acquainted with Herman Ridge, were you? A Yes sir.

Q How old a man was he at the time of his death, if you know?

A He was between 25 and 30; he was 25 I reckon, between 25 and 30.

Q Well he was killed when? A He was killed in '63 I believe, or '62, in the Cherokee nation.

Q Tell his father was killed in '39, how old did you say he was you think? A I think he was between 25 and 30.

Q Now where did he live and make his home? A He was with his mother; he was a single man; had no family of his own.

Q He was with his mother where? A In Benton County, Arkansas.

Q When did he join the army? A He joined in '62.

Q Would you tell me some more about that? A Yes.

Q Do you know of his ever having a wife, or of him having a habitation in the Cherokee nation? A Yes, he was killed and his family moved out of the nation.

Q You were intimately acquainted with the family were you? A Yes.

Q How were they related to you? A They were my friends.

Q By blood, friendship, or otherwise? A By blood.

Q How was it? A It is my father.

standing that we are related by blood, but what degree I don't know, but the family were intimately acquainted.

BY MR. BELLETTE:

Q Where did you live just before the war? A My father lived in what was called Flint district down here near Stillwell before the war.

Q Where did the Ridges move from when you say they moved to Benton County, Arkansas? A They moved from off of Honey Creek, Delaware District.

Q That's in the Cherokee Nation? A Yes, sir.

Q Well they kept up their farm after they went to Benton County, didn't they? A Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long; Rollin Ridge was the oldest son, and moved back onto the farm with the expectation of restoring the old place I guess, and living there.

Q Now are you there and know all about this personally; did you see that? A I saw Rollin Ridge there, yes sir, at the place.

Q I will ask you if Peter Ridge, a slave, was not in charge of that place for the Ridges after they went out into the State? A I don't know anything in regard to that.

Q I will ask you if they didn't leave the Territory because of the murder of John Ridge? A That is the family?

Q Yes. A Left the country on that account. That's my understanding, yes sir.

Q You don't mean to say that they abandoned their citizenship in the country? A Well I don't know; it is my impression that they did.

Q Why? A Why it was impossible for them to live here.

Q All you know is that they were out of the Territory? A Yes, I know that they were out of here.

Q I will ask you now if Mrs. Ridge, the mother of Herman Ridge, was lived in Benton County, there at Fayetteville, she didn't send her slaves back and forth from where she was to their farm to keep it up? A I know nothing of that.

Q Didn't she take supplies from that farm over to her house at Fayetteville to live on? A She might have done so, but I know nothing of that.

L. B. BELL, being sworn by Commissioner Needles, testified as follows:

BY MR. W. V. HASTINGS:

Q What is your name? A L. B. Bell, 32 years old, Minnie.

Q Where were you born? A Well I was born in the State of Georgia, I guess, Haversham County, they tell me, I don't have no recollection of it.

Q Where did you live when you were first able enough to remember, in the Cherokee Nation here? A Well I think I was right down here below the Grand Saline, below that Frank Adams farm in 1842 when the whole world was flooded, I just have recollection of moving out of there, '43 or '44.

Q Do you remember the Ridge family? A Yes sir.

Q Do you remember where the old Ridge place was on Honey Creek this side of Southwest City? A Yes, I know what they called the old Ridge place, on Peter's Prairie.

Q Were you ever at that place prior to the war? A On lots of times.

Q Now who lived there, occupied it? A The Peter, the way I first got acquainted with John, Rollin Ridge, a son of John Ridge lived there, him and his family, and he had a son there and another and had to go to California, and there was some other people there. Then an old man named Peter, an old slave of his, that he had there, remained on the place a long time, then it passed into the hands of Dr. Pelster, who married John, the daughter of John Ridge family; they lived there until I suppose lived there a

or 4 years.

Q Did you know Herman Ridge? A Yes sir, I knew Herman Ridge so far as I could recollect.

Q Where did you know him? A I knew him in Benton County, Arkansas first; next at Washington County, Arkansas, at Fayetteville.

Q Was he living at Fayetteville when the war came up? A He lived there and at Fayetteville from '48 up until the war as well as I could recollect him, and then he came and joined our command, that is the confederate Army. General Watie was a kinsman of his and he joined the 2nd regiment that he was raising, and I think he was killed in '63, or maybe '62.

Q Anything else you want to state? A That's about all I know about that place, except that Polston re-occupied the place and lived there, - his wife died in about 1868; his heirs own it yet.

BY MR. MELLETTTE:

Q You are chief counsel for the Cherokee Nation in the conduct of these Freedmen cases are you? A Yes sir, supposed to be.

MR. MELLETTTE: Well I believe if that is the case I will let you go.

MRS. M. N. WOODALL, being re-called and further examined, testified as follows:

BY MR. RILL:

Q Did Herman Ridge keep his slaves, keep this place up there in Washington County while he lived there? A Yes sir, they lived right there.

BY MR. MELLETTTE:

Q Did she return to the Cherokee Nation at any time after she was there while you were there? A Not that I know of.

Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.

Q Now the descendants of the Ridges are still citizens of the Cherokee Nation are they not? A Yes sir.

Q The Washbourns? A Yes sir.

Q What relations are the Washbourns to Herman Ridge? A Mrs. Washbourn was Herman Ridge's sister, the children are Herman Ridge's nieces and nephews.

Q Where was Mrs. Washbourn living when you were living at Fayetteville? A She was living at Fayetteville.

Q And did she live after the war? A At Fayetteville.

Q No, where did she live after the war? A When I know her after the war she lived here in the Cherokee Nation on Honey Creek.

Q This Mrs. Washbourn who was Herman Ridge's sister and lived at Fayetteville with Herman Ridge, came back to the Cherokee Nation after the war as a citizen? A Yes sir.

Q She was a young lady at the time she was living at Fayetteville? A She was a married woman.

Q Married to Washbourn? A Yes sir.

Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after John Ridge was murdered? A Well I don't know why they went; I wasn't in the family then.

Q They all came back to the Cherokee Nation after that? A Mrs. Washbourn and her family and Polston and his family came back.

Q Polston married Herman Ridge's sister? A Yes sir.

Q Did he leave the territory during the war? A I wasn't here during the war, I don't know anything about it.

Q Where was Polston living when you went into the Ridge family in '48? A He was at Fayetteville.

Q He is back in the Cherokee Nation as a citizen is he not? A He is not living now.

Q He did move back into there at a certain time after the war? A Yes.

Q I will ask you if they were not considered citizens of the Cherokee Nation because it was made for them to live in the Cherokee Nation?

Kato Ridge (sup'l) B

okes, Nations? A Well I don't know; I knew they were living there
and that's all I know; I never heard them say anything about it.

BY MR. HASTINGS:

Q You don't know that these people were taken by these people,
Washington and on Polatom to re-establish their citizenship? A
No sir.

COMMISSIONER HASTINGS: The testimony will be filed in Kato
Ridge, Cherokee, Freeman, D 595, and D 555 and D 586, and D 589
and D 590, D 560, D 561, D 562 and D 563.

(Copies of this testimony have also been made for
C.F.D. 478, D 638, D 647, D 691, D 694 and D 636 - (Steno.)

L.D. Green, being first duly sworn, states that as stenographer to
the Commission to the Five Civilized Tribes he has personally recorded
the testimony and proceedings in this case and that the foregoing is
a true and accurate transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 12th, 1901.



Commissioner.

Cher Fr D 648

Cher Fr D 648

Department of the Interior,
Commission to the Five Civilized Tribes,
Chalco, I. T. June 18th 1901.

In the matter of the application of Sallie Miller for the enrollment of herself and one grand-daughter as Cherokee Freedmen; she being sworn by Commissioner G. R. Brockbridge, testified as follows:

Q What is your name? A. Sallie Miller.
Q How old are you? A. I am 55 years old.
Q What is your post office address? A. Vinita.
Q In what district do you live? A. Greenwood.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Do you want to enroll anyone besides yourself? A. Yes sir.
Q One grand daughter? A. Yes sir.
Q What is her name? A. Katie Hicks.
Q How old is she? A. 26.
Q Is she an orphan? A. Yes sir.
Q Have you no children of your own? A. They are all old enough to apply for themselves.
Q Have you no husband? A. He is a state man.
Q Did he get out a Cherokee license to marry you? A. No sir.
Q How long have you lived in the Cherokee Nation? A. I have lived here pretty much all my life excepting about 6 or 7 years at different times.
Q Where were you born? A. In Flint district, near Stillwell.
Q Were you a slave when the war broke out? A. Yes sir.
Q To whom did you belong? A. William and Nellie Holt.
Q Were both of them Cherokee citizens? A. Yes sir.
Q Where did they live.
Q They first lived in Flint and then they moved from Flint district to Webbers Falls. That was where we was living when the war broke out.
Q You were belonging to them when the war broke out? A. Yes sir.
Q Where did you go when the war broke out? A. From Webbers Falls we went to Baxter Springs.
Q In Arkansas? A. No sir it is in Kansas.
Q When did you come back? A. I came back in the fall of '65.
Q Have you lived in the Cherokee Nation ever since you came back in the fall of '65? A. Yes sir, this has been my home ever since excepting when my husband died I went out and worked and took my children to school.
Q Where did you go when you went to work? A. Fort Scott.
Q When was that, in what year was that? A. The first time I went out was in '66, I took my children to school, my two eldest children by Dick Whitmore.
Q How long did you stay there with these children? A. About 3 months.
Q Did you leave the children there then? A. Yes sir.
Q Where did you go then? A. Came back and went up on Big creek, to Rachel Whitmore.
Q Did you have a home in the Cherokee Nation at that time? A. Yes sir.
Q When did you go out of the Cherokee Nation the first time? A. In '75, is when I went back up to Kansas, after that.
Q What did you go up there for that time for? A. I went up there to see my children they were working there then.
Q How long did you stay there then? A. Went up in the fall of '75 and staid there until July '76.
Q Did you then come back to the Cherokee Nation? A. Yes sir.
Q When did you go out again? A. I went up there in June, my husband got sick and was unable to work, he had been an old soldier and he went up to apply for a pension, that was about the 15 or 16th of June '76.
Q Where did you go then? A. To Fort Scott.
Q How long did you stay there? A. I staid there until the spring of '76.
Q Then what did you do? A. Went to my aunt Barbara, on Fourteen Mile Creek.
Q When did you go out of the Cherokee Nation the next time? A. I staid with aunt Barbara and Mary Rogers a year.
Q What did you do then? A. I had no husband then and went about and

Q You had two children up in Kansas then? A. Yes sir, the boy I don't know where he was then, the girl she had come back to Big creek with uncle Lewis Whitmires.

Q What was the two children you first took up there? A. Yes sir.

Q What years was that? A. That was after '80.

Q You worked them in Kansas? A. Yes sir.

Q How long did you stay there that time? A. About a year.

Q What kind of work did you do then? A. Laundry work.

Q Where did you go after you had done laundry work there for a year? A. Come down on Big creek.

Q When did you leave again? A. I don't remember exactly, I went back in '83 or '84.

Q How long did you stay that time? A. 5 or 6 months I guess, not longer.

Q Then what did you do? A. Come back on Big Creek to my cousin Rachel Webbers.

Q When did you go out the next time? A. I came back in '85, I got married in '84.

Q Where have you lived since '84? A. In Vinita.

Q Ever since '84? A. Yes sir I got married and my husband and my husband promised to come down here and we come and he staid here two nights days and one night and I never seed him for three years again.

Q And you continued to live there then until he came back again? A. Yes sir.

Q Have you lived there ever since he came back three years after he had first been there a day and two nights? A. Yes sir.

Q Are you on the roll of 1880? A. I don't know, I was here then.

Q Give me the name of your father? A. Jack Miller.

Q Is he dead? A. Yes sir.

Q Give me the name of your mother? A. Bester Holt.

Q Is she dead? A. No sir.

Q She is living is she? A. Yes sir.

Q Where? A. In Vinita.

Q Is her name Holt now? A. Yes sir.

Q How long has your father been dead? A. 17 or 18 years.

Q Was he a Cherokee freedman? A. No sir a Cherokee full blood.

Q Is your mother a Cherokee freedman? A. Yes sir.

Q Did your mother come back with you when you come back after the war? A. No sir.

Q You were married and came by yourself? A. No sir, we had separated.

Q But you had been married? A. Yes sir.

Q And you wasn't with your mother? A. No sir.

Q Give me the name of this grand daughter? A. She goes by the name of Kate Davis.

Q You say she is 20 years old? A. Yes sir.

Q Give me the name of her mother? A. Nettie Holt.

Q She is dead is she? A. Yes sir.

Q How long has she been dead? A. She died I wasn't here with her when she died, I was down to Aunt Barker's.

Q Well when did she die? A. In '78 I guess.

Q Was Nettie Holt your daughter? A. Yes sir.

Q Where was Nettie Holt born? A. At Webbers falls.

Q After the war? A. No sir before the war.

Q Did she belong to the same people that you belonged to? A. Yes sir.

Q Did she go out with you during the war? A. Yes sir.

Q Did she come back with you after the war? A. Yes sir.

Q Did she lived in the Cherokee Nation from the time she come until she died? A. No sir, she went to Fort Scott to school part of the time.

Q How long did she go to school there? A. 4 or 5 years.

Q Did she stay in the Cherokee Nation all the time from the time she come back with you right after the war excepting the time she was out to school? A. Yes sir.

Q Give me the name of the father of this child Katie Davis? A. She told me that Katie's father was named Douglas Patman.
 Q Was Kattie ever married to Patman? A. If she was I don't know it, he was a postal clerk on the M. K. & T Railroad.
 Q He was a state man? A. Yes sir.
 Q How many times have you been married? A. 3 times.
 Q Who was the first man you ever lived with as husband and wife? A. Dick Whitacre.
 Q Did you and he take up as man and wife before the war? A. No sir we were married by the district clerk of Flint district.
 Q After the war? A. No sir before the war.
 Q You and he were married then when the war began? A. Yes sir.
 Q How long did you and he live together? A. About 8 years.
 Q When was it you parted, during the war? A. Yes sir.
 Q You went north? A. Yes sir.
 Q Where did he go? A. He came north.
 Q But you had been parted? A. No sir they took him in the army and he ran off in '63.
 Q But you parted in war times? A. Yes sir.
 Q Who was the next man you lived with? A. Buck Bushyhead.
 Q When were you married to him? A. In the winter of '65.
 Q Where at, in Kansas? A. He sir in Fort Gibson.
 Q After you got back? A. Yes sir.
 Q How long did you live with him? A. Until '77.
 Q Is he dead? A. Yes sir.
 Q Did you live with him until he died? A. Yes sir.
 Q Who did you next live with? A. Stephen Miller.
 Q When did you marry him? A. I think it was in '84.
 Q Is he living? A. Yes sir.
 Q He is a state man is he? A. Yes sir.
 Q You married him in Kansas? A. Yes sir in Fort Scott.
 Q How long after you married him before you came to the Cherokee Nation? A. About 6 months I came back to Fort Gibson.
 Q Did he come with you? A. No sir.
 Q Where were you when he came down and staid a night and two days? A. At Vinita.
 Q And then he left you? A. No sir.
 Q When did he come back to you in the Nation? A. About 3 years after.
 Q And you had never seen him in that time? A. No sir, he is in Vinita now.
 Q How long has he been in Vinita? A. 8 or 9 years.
 Q Have you and he been living together those 8 or 9 years? A. Yes sir.
 Q How did this grand daughter get the name of Davis? A. She is married.
 Q Is her husband living? A. Yes sir.
 Q Why don't he apply for her? A. He don't know nothing about her at all.
 Q What is the name of her husband? A. John Davis.
 Q When did she marry him? A. Some time in March, this last March.
 Q Is he a Cherokee Freedman? A. Yes sir.
 Q What was this woman's name before she married Davis? A. She went by the name of Patman.
 Q Why were never married to Patman? A. No sir, this is my daughter's child by Patman, she is my grand daughter, not my child, my daughter had her by a man named Patman.
 Q What name did you go by in 1880? A. Bushyhead.

Applicant cannot be found on the 1880 or 1890 rolls.

Q Did you ever carried strip money? A. Yes sir, only drew this bread

Sallie Miller 4.

money.

Applicant not found on the Kern Clifton or Wallace rolls.

Q You are not on any of these rolls, is your grand daughter Katie Davis in the same fix that you are? A. I think she is enrolled with her grand father.

Q What was his name? A. Dick Whitwire.

Q Is she the grand daughter of your first husband Whitwire? A. Yes sir.

Q Her mother, Nettie, was a child of Whitwire's? A. Yes sir.

Q And you think this child Katie Davis is on the roll as Whitwire? A. No sir I think it is, as a Putnam, but that her grandpa Whitwire enrolled her.

Q Did she draw Cherokee strip money? A. No sir, I think her grand father drew it for her.

The applicant's grand daughter not found on the Kern Clifton roll, upon examination of same.

The Wallace roll of the Cherokee Nation examined and the name of the applicant's grand daughter found as follows-
Page 146 No. 3647, Katie Putnam, Cooweescoowee district.

The applicant's grand daughter not found on the 1880 or 1890 rolls upon an examination of same.

Q Have you any one here who knows when you came back after the war? A. Yes sir.

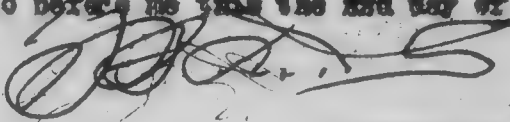
Q Who have you here? A. Pelly Nivens, Easter Skimmett, Barker Buffington

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The continuation of this case taken by Bruce G. Jones,

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this the 22d day of June, 1901 at Nowata, I. T.

Chas. von Weise


Commissioner.

Sadie Miller et al.

Continued from testimony taken by Chas. von Weiso; June 10, 1901.

Sadie Miller, recalled and examined by Commissioner, testified as follows:

Q You say you and Dick Whitmire were married before the war? A Yes, sir, before the war.

Q Where was it that you and he parted during the war? A He lived in Going Snake district and I lived at Webbers Falls time of the war.

Q How did you happen to part, did he go one way and you go another, or did you quarrel and part? A No, sir, I was living at the falls and he lived up in Flint District; Going Snake district, and I went out, the soldiers came and got us there and took me to Baxter Springs, and he came after that, I don't know where he came from.

Q Did he come after that while the war was still going on? A Yes, sir.

Q Had you married in the mean time? A No, sir.

Q Well, he was still your husband at that time? A Yes, sir, he was my husband.

Q You hadn't parted then down to that time? A No, sir.

Q Were you and he husband and wife up in Kansas during the war, at Baxter Springs? A Yes, sir.

Q Well, what became of him after that? A He got away from there in '63.

Q And how long was it that you saw him after that? A I never seen him till the fall of '65.

Q Had you married again in the meantime? A No, sir, I wasn't married when I first saw him.

Q When you saw him in the fall of '65 you hadn't married? A No, sir.

Q Had he married? A I don't know, he was living with a woman.

Q Did he claim you and live with you as his wife? A No, sir.

Q That was, you say, in the fall of '65? A Yes, sir.

Q Now Buck Bushyhead, you say you married him in the winter of '65?

A Yes, sir, in the winter of '65.

Q Well most of the winter of '65 was a long time before the fall of '65? A '65; now I made a mistake, I came back, that is in '65, Dick Whitmire was living with a woman.

Q Before you married Bushyhead? A Yes, sir.

Q When you married Bushyhead he didn't any longer claim you as his wife? A Yes, sir.

Q Dick Whitmire was living as man and wife with another woman, and no longer claimed you as his wife? A No, sir.

Q And then you felt free to marry Buck Bushyhead? A Yes, sir.

Q And you lived with Buck Bushyhead until he died? A Yes, sir.

Q And after that you married Stephen Miller? A Yes, sir.

Q And you are living with him now? A Yes, sir.

POLLY NIVEN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Polly Nivens.

Q How old are you? A About 36.

Q What is your post office? A Fort Gibson.

Q How long have you lived in the Cherokee Nation? A All my life, never was out.

Q Were not out then during the war? A Went out about five weeks.

Q Were you a slave in the Cherokee Nation when the war came on?

A Yes, sir.

Q To whom did you belong? A Joe Nivens, or Moss Nivens, it is all the same.

Q Do you know the applicant here? A Yes, sir.

Sadie Miller v. Q.

Q Did you know her during the war? A Yes, sir.

Q Who was it she belonged to? A Old Mrs. Holt, at the Falls.

Q At Webster Falls? A Yes, sir.

Q Nellie Holt, was it? A Yes, sir, Mrs. Nellie Holt.

Q How far did this woman live from you in that day? A She lived at Webster Falls, and I lived at Port Gibson, at Niven's Ferry.

Q How far is it apart? A I don't know exactly how far.

Q Is it very far? A No, sir, it is not very far.

Q Did you know her husband back in that day? A No, sir, I didn't know him, I just knew her; when her mistress would come to our owner to see them.

Q Did you know her down to the time the war broke out? A Yes, sir.

Q Did she have any children in that day? A When I seen her she just had two.

Q Do you remember their names? A No, sir, I don't remember their names.

Q Did she ever have a daughter named Nettie, or do you know that? A No, sir, I don't know about that.

Q Do you know anything about where this woman went during the war? A No, sir, I don't know where she went during the war.

Q When did you first see her after the war? A When I saw her right at Port Gibson.

Q When was that? A That was when the refugees was drawing rations, you can count back from this, I can't.

Q Do you know what year that was in? A No, sir, I don't.

Q It was when the refugees were drawing government rations? A Yes, sir, just after peace was made.

Q Do you know how long she had been back then? A She said she had just come back a short time before that when we first met, hadn't long come back.

Q Had peace been made then? A Yes, sir, peace was made.

Q How long was that after peace was made before you saw her, do you know? A No, sir, I can't tell that exactly.

Q Well, what do you know about her from that day to this, have you been seeing her all the time? A No, sir, I can't locate her all the time, she stayed a while in Gibson and said she was going away from there, and I asked her where she was going and she said I was going to take my children back to school, and said, there is nothing here for them but death, and I said, you had better come back down here.

Q Did you ever know this child Nettie after the war? A No, sir, she just had two children with her and I never paid no attention to them at all.

Q Well, have you seen much of her from that day to this? A No, sir, I haven't seen her for a good while until I met her here again. I heard of her but I haven't seen her.

Q Did you remember and recognize her distinctly? A Yes, sir.

Q As she was when you knew her before the war? A Yes, sir, know her the minute I set my eyes on her.

Q The same woman you knew in Port Gibson? A Yes, sir, same woman. I was glad to see her alive.

Q You don't know anything about her marriage since the war time? A No, sir, I don't know anything about her marriage at all.

Q Now she says that this woman belonged to, the Holts, was she well known and recognized throughout the country? A Yes, sir.

Q And you know her as their slave, did you? A Yes, sir.

Q She passed it down in the neighborhood? A Yes, sir, she called her mistress, she would be waiting on her everywhere she would go.

Q Now long before the war broke out had it been known that you had her, Aunt Folly? A I can't tell you how long.

Q How long before she came to my home as a slave?

Q How long before she came to my home as a slave? A Yes, sir, same year.

Sadie Miller - 3.

EASTER WILLIAMS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Easter Williams, now.

Q Did your name used to be Grimmett? A Yes, sir.

Q How old are you? A I guess I am about 52, I guess.

Q What is your post office? A I get my postoffice here while I am here.

Q At Chelsea? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I have been here all my days.

Mr. Smith: Do you know this applicant here, Sallie Miller? A Yes, sir.

Q How long have you known her? A Ever since the war.

Q Did you know her before the war, or not until after? A Not until after the war.

Q Where did you first meet her after the war? A Met her in Fort Gibson.

When? A The time they brought the refugees back in there.

Q Do you know what date that was, what year it was? A No, sir. I don't know what date it was they brought us back to Gibson; I can't tell you just what date that was.

Q Where did you see her, where was she when you first saw her? A At Fort Gibson.

Q What was she doing there? A Working, among the refugees.

Q Do you know whose daughter she was, did you know her mother?

A Yes, sir, Easter Holt.

Q Have you known her since? A Well, I have seen her since then, of course where I saw her at Fort Gibson and I have met her here since then.

Q What do you mean by here, what place in the Cherokee Nation have you seen her since '88? A She was in Fort Gibson in '88, she went by Bushyhead at that time, she was living in Gibson.

Q Did you know her husband? A Yes, sir.

Q Do you know whether or not he died? A Yes, sir, he died.

Q When did he die? A I can't tell you just when he died.

Q Do you know whether she was married again or not? A Yes, sir.

Q Who did she marry? A Mr. Miller.

Q Do you know who Sallie belonged to before the war? A Yes, sir. I knew her before the war, Billie Holt and Nellie Holt.

Q Were they Cherokee Indians? A Yes, sir.

Q Do you know how many children Sallie had when you saw her in '88?

A Yes, sir, she had two.

Q Do you remember their names? A Kate was one.

Q Do you remember the other? A Nettie.

Q What has become of Nettie? A She died.

Q Did Nettie have any children? A Yes, sir, Katie Putnam.

Q Was Nettie married? A I don't know that, but I know she had one child.

Q Do you know where that child is now? A In Vinita.

Q Do you know who the child lives with? A Sallie Miller.

Q Her grandmother? A Yes, sir.

Mr. Davenport: How far were you living from Aunt Sallie when the war broke out? A They brought us up to Fort Gibson, we were all there during the war, and I was cooking for the officers.

Q Was Sallie brought to Fort Gibson with you? A Yes, sir, from Mesquo, they brought us as refugees from Mesquo.

Q Before the war broke out I am talking about now, not about the refugee time? A We lived in Flint.

Q You don't know anything about where she was living when the war broke out? A No, sir.

Q Do you know to whom she belonged when the war broke out? A She belonged to old men Holt, her mother belonged to old Holt.

Sallie Miller - 4.

Q That was before the war began? A Yes, sir.

Q You don't know anything of them after they left Flint district and went to Canadian, up to the time the war began? A I seen her in Gibson.

Q Not before the war? A No, sir, but after we came in scattered during the soldiers, we all met at Gibson, they brought us to Gibson, carried us to where we first went, to Maesho, and back.

Q Holt before that moved down about Webbers Falls sometime before the war began? A There is where she lived I guess before the war broke out.

Q They moved away then from where you were living? A Yes, sir.

Q And you don't know anything more about them until after the war began, do you? A No, sir.

Q And you don't know where she went during the war, do you? A No sir, don't know where she went.

Q All you know about it is that she came back to Fort Gibson sometime before the close of the war or about the close? A Yes, sir.

Q You don't know where she has been living since the war closed?

A No, sir, I can't place her where she has been living since.

Q There would be several years at a time you didn't hear of her?

Q Of course I don't know only where she went.

Q Where do you live? A I live at Big Creek.

Mr. Smith: Do you know how long Sallie Miller, the applicant, was at Fort Gibson when you saw her at the time the refugees were there?

A We were all there about three years.

DORCAS BUSHINGTON, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Dorcas Burington.

Q How old are you? A I am 38 years old, according to what Mr. Bushyhead told me.

Q What is your post office? A Melvin.

Q How long have you lived in the Cherokee Nation? A I was born in the Cherokee Nation, in Tennessee.

Q Did you come here with the Cherokees in old times? A Yes, sir.

Q Have you lived here ever since? A I have lived here ever since; of course my folks hired me out once in a while in the state, but that was when I was small.

Q Went out during the war? A No, sir.

Q Here during the war? A Yes, sir, all during the war.

Q Were you here when the war began? A Yes, sir, right here.

Q Who was it you belonged to? A I belonged to Mr. Bushyhead, that lady's (indicating) husband's father.

Q The father of Chief Bushyhead? A Yes, sir.

Mr. Smith: Do you know this applicant, Sallie Miller? A Yes, sir, she married in my town.

Q How long have you known Sallie? A I been knowing her, I can't exactly tell you, but it has been long before the war.

Q You know her before the war? A Yes, sir.

Q You know whether she was a slave or not? A I know she was a slave, I don't just think it, I know it.

Q Who did she belong to? A She belonged to old Mrs. Holt, old Mrs. Fannie Holt, she married a white man.

Q Were the Holts citizens of the Cherokee Nation? A Yes, sir, citizens.

Q Where did they live? A They lived away down there in Flint, I can't tell you exactly the place.

Q When did you first see Sallie in the Cherokee Nation after the war? A Well, I can't tell you exactly the time I met her, but that she came to my house and stayed with me when they put out word about the negroes that were back to the old country, and she came to my house and stayed there for a week or so, and then she went off to the Hoards, and I don't know how long she stayed there.

Sallie Miller - p.

Q Where were you living? A I was living on Fourteen Mile Creek.

Q Did you go out of the Nation during the war? A No, sir.

Q Was it all? A No, sir, not at all, only when I was traveling with the army, waiting on the Cherokees.

Q Do you know what year it was you saw her? A Not clear, I can't tell you that part, I never kept the dates of the years, I never thought nothing about it.

Q Where did this man Rogers that you spoke of live? A He lived between Grand River and I lived on Fourteen Mile Creek.

Q Do you know whether she had been to Fort Gibson, or whether she went to Fort Gibson after you saw her? A She went to Gibson, said she was going when she went from my house.

Q What was her name then? A Her name was Sallie Walker, Charlie Walker married her.

Q Was she ever married after that to anybody else? A I can't tell you that, I know before she married Charlie Walker she lived with a man named Big Whitmire, one of the Whitmires, and I believe she had some children by him; I don't know, I never seen the children.

Q Did Whitmire ever go by any other name? A No, sir.

Q Who did he belong to? A He was a Freedman, he was a Cherokee the Whitmires was.

Q He wasn't a colored man at all? A No, sir, he owned slaves; Temple Holt married Johnson Whitmire, and you know Temple was a fine lady, she wouldn't want a nigger.

Q When did Sallie marry Miller, her present husband? A I don't know sir, I don't know that.

Q How many children did Sallie have, if she had any children, at the time you speak of her coming to your house? A She had two.

Q Do you know what their names were? A I think one was named Annie and the boy I can remember what that child's name was right now, but she had two children.

Q Do you know whether Sallie has been married more than once?

A No, sir, I don't, I don't know nothing about her whether she was married more than once or not, but I know she was married once and that was to Charlie Walker.

Q What was he, a colored man? A He was a colored man, he was my sister's son, and you know I am colored.

Q Was Charlie Walker a slave? A That is what he was, a slave of the same people I was.

Q Did they sometimes call Charlie Walker Charlie Bushyhead?

A Yes, sir, got the Charlie Walker from his father.

Q His father's name was Walker and his mother's name was Bushyhead?

A No, sir, it isn't that way, after the dorkies got free, he went by the name of his father, and when he was a slave we all went by the name of our masters.

Q What was that? A Bushyhead.

Q Charlie Walker, the man who married Sallie, his name was Walker?

A Yes, sir.

Q And his mother's name was Bushyhead, is that right? A No, sir, that isn't right yet; Charlie Walker he went by the name of the man that his father belonged to, after he got free, and when he lived at home why he went by the name of Bushyhead.

Q Then he went by two names? A Of course, after he got free.

Q What were they? A When he got free he went by the name of Walker, and when he was living at home at Bushyhead's, he went by the name of Charlie Bushyhead.

Q That was this woman's husband? A That was her husband.

Mr. Smith: If the court please, in making this record, I would like to have a reference to the case of Joshua Holt, D-244, Joshua Holt was this woman's brother.

Sallie Miller - 6.

Sallie Miller, recalled, testified:

Commissioner: Did you have a brother named Joshua? A Yes, sir.

Q A full brother? A No, sir.

Q Now a full brother? A No, sir, brother on my mother's side.

Q Is he older or younger than you? A Younger.

Q How much younger? A I guess he must be 10 years younger, I am 39 and I think he is 33 or 35.

Q Was he with you during the war? A Yes, sir.

Q Did he come back with you when the war closed? A No, sir.

Q You didn't come back with him? A No, sir.

Q Did you and he belong to the same people when the war broke out? A Yes, sir.

Mr. Bavenport: Now Sarah, did you ever apply to the Bob Daniels, ex-chamberlain's court to establish your right after you returned to the Cherokee Nation? A No, sir, I never was but once, was sent to Tahlequah, I think it was somewhere in ninety, when I didn't get the Wallace money.

Q You applied to the Kern-Clifton Commission? A Yes, sir.

Q Now where were you living when your husband Dick Bushyhead died? A Bush Bushyhead you mean; why he died in Fort Scott.

Q Where were you living at that time? A On Big Creek.

Q You were down on Big Creek when he died in Fort Scott? A Yes, sir, he went up there to apply for his pension, he was there two weeks.

Q You had been in Fort Scott during the war? A Yes, sir.

Q You went from Baxter Springs? A Yes, sir.

Q You stayed there a few months, and then came back, and you and your husband went to Fort Scott? A Yes, sir.

Q Do you know the time when you were in Fort Scott? A No, sir, not before he died.

Q When were you and your present husband, Miller, married, in what year? A In 1884.

Q Where were you living at the time? A I was living in Fort Scott.

Q Miller was a resident of Fort Scott too, wasn't he? A Yes, sir.

Q Now then you and Miller lived there some time after you married before you came back to the Cherokee Nation? A I stayed about six months.

Q You stayed there first and last all together about seven years? A No, sir, I never stayed in Fort Scott seven years at one time.

Q I mean first and last? A Yes, sir, about that first and last since the war.

Q About that first and last since the war closed? A Yes, sir.

Q Now you are not a full sister of Joshua Holt? A No, sir.

Q Both had the same mother, but not the same father? A Yes, sir.

Q Easter Holt is your mother, isn't she? A Yes, sir, Easter Holt.

Q Did you and Easter Holt and your ~~uncle~~ half brother go out of the Cherokee Nation together during the war? A Yes, sir.

Q Well, who returned first? A Why I returned first.

Q When did your mother and Joshua return? A Why they — now I can't say they did —

Q Do you know really when they returned? A Yes, sir, they came back when they had that fight at up here at Horse Creek.

Q They came back the year of the Horse Creek fight did they? A It seems to me, I can't say positively.

Mr. Smith: Are you the daughter of Easter Holt, who applied for ~~pension~~ this morning over there? Did you see her ever there? A Yes, sir.

Commissioner: When did you marry your husband Dick Bushyhead? A In Fort Gibson.

Q Was he a Cherokee Freedman? A Yes, sir.

Sallie Miller - 7.

Q Dorcas Buffington stated about your being at her house on Thirteen Mile Creek? A It is Fourteen Mile Creek.

Q What time was that after the war? A It was in '70.

Q That was a long time after the war? A Yes, sir.

Q She doesn't know anything about when you came back? A Well now I don't know whether she did or not, because I stayed in Gibson.

Q Before you saw her after the war was closed before '70? A Yes, sir, I seen her then in Fort Gibson, at the sutler's store, Mr. Percival run the store, and Buck Bushyhead worked at the same store.

Q You spoke of going to Tahlequah once to see about getting your rights? A Yes, sir.

Q What did you go there? A I went down there and I seen Mr. Thompson, V. A. Thompson.

Q Did you apply to any Court? A Yes, sir, there at Tahlequah.

Q And what did the Court do? A They told me that I was re-admitted.

Q Did you apply to be recognized or re-admitted? A Yes, sir, they said all them they could find the names on the 1880 roll to go down there with proof and they would put them on the roll, and I went and I thought I knowed him in time of the war there at Fort Gibson and I thought I would get him and he would attend to it for me.

Q Did you appear before the Court? A Yes, sir.

Q You give in your testimony? A Yes, sir.

Q Did you have any witnesses? A Yes, sir.

Q And the Court heard your case? A Yes, sir.

Q Did the Court pronounce a decision in your case? A They said the chief would have a ten days session and then he would attend to it.

Q Did you ever get any notice of what that decision was? A No, sir.

Q In what year was that, as near as you can remember? A It has been, I guess, six years ago.

Q Was that the only application you ever made to any Court or Commission on authority to have your rights fixed? A No, sir, went before the Wallace Court, and went before the Clifton and Kerns.

Q Why wouldn't they put you on the Wallace roll? A I don't know.

Q Why didn't they put you on the Kern-Clifton roll? A I don't know, unless it was because I didn't have a whole lot of money to pay out, that asked me for some money and I told them I didn't have any.

Q Who asked you for money? A Turner, he wanted ninety dollars, and I told him I didn't have ninety cents.

Q Well, your rights ought not to depend upon your having money; how about the roll of 1880? A I was at Fourteen Mile Creek at that time when the 1880 roll was made.

Q Were you at Dorcas Buffington's at that time? A Yes, sir.

Q What about they making that roll? A They didn't come, and I got Uncle Harry to go down to see Mr. Lips, I believe old man Lips had something to do with that, and he went there, and said Mr. Lips said it was all right, and that was the reason I didn't bother anything about these rolls, I thought I was all right till it came around and I didn't get any money.

Mr. Davenport: I would like to object to that hearsay part about what that fellow went down there and said Mr. Lips said.

Mr. Smith: What did you state was the occasion, or why did you go to Tahlequah in the nineties to see about your citizenship?

A They had a notice in the paper to all them didn't appear on the 1880 roll to go down there and with sufficient proof and they would put them on the roll.

Q Who had the notice? A It was in the paper, in the Vinita paper.

Q And you went to Tahlequah? A Yes, sir.

Q Who did you go to when you went to Tahlequah? A I went to this Mr. Thompson.

Q V. A. Thompson? A Yes, sir.

Sallie Miller - 8.

Q Now you spoke of going before some Court or Commission; what Court did you ever go before? A Before the Wallace Court and before this Clifton and Kern.

Q But when you went to Tahlequah? A The Council was going on, the Council was in session at that time.

Q You didn't go before the Council, did you? A Yes, I guess it was, Stick Ross was one of the councilmen, and Spade was one of the councilmen.

Q What ever became of that W. A. Thompson you went to see? A They said he died.

Q Did he? A I never seen him since.

Q Now as a matter of fact, do you know whether you went before any Court or not down there? A There was eight or ten men in a room, they said they was.

Q Did you pay Thompson? A Yes, sir, gave him \$10.

Q Do you know of your own knowledge whether there were any applications made, of your own knowledge, outside of what Thompson told you?

A No, sir, I don't, I just had faith in him, and he knew me during the war at Fort Gibson and I thought sure he would do what he told me.

Mr. Davenport: You hadn't heard at that time about Thompson going back to Georgia and having a friend to write home to his mother that he was dead and having his mother send money to pay his funeral expenses? A Yes, sir, I heard about that afterwards, and I never tried to see anything more about it.

Commissioner: Did you ever apply to the Dawes Commission in 1888 to have your rights recognized? A No, sir, I don't think I ever went before them.

Commissioner: The applicant applies for the enrollment of herself and one grandchild. The applicant is not identified upon the roll of 1880 or on the Wallace roll or on the Kern Clifton roll or on the roll of 1890. It appears from the testimony that she was in the Cherokee Nation at the breaking out of the Civil War, and was the slave of a Cherokee citizen. There is considerable testimony to the effect that she returned to the Cherokee Nation in 1865, and has lived in the Cherokee Nation at this time, and has been so living for a number of years past, but it appears that altogether, for six or seven years, but not in a continuous way, she has since the war been absent from the Cherokee Nation and in the State of Kansas. In the light of her omission from the rolls, what she has to say in connection therewith, the testimony of her return to the Cherokee Nation within the time prescribed by the Treaty of 1866, though so far quite definite and reasonably satisfactory, requires to be carefully considered, and some attention should be given to the testimony relating to her subsequent residence to determine whether or not she has adjured her citizenship. It appears that she made application at Tahlequah for recognition before some Court of the Council of her rights as a Cherokee citizen, and that her application was not granted. The testimony in this particular is not quite very definite. Her change of name arising from marriage is established in a reasonably satisfactory manner. She will, under the conditions stated be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post office address.

As for her grandchild, her application will not be considered at this time, inasmuch as she is said to have been born in 1876, or prior thereto, and to be now married, but the examination with reference to her rights has been quite carefully made, as this child can only claim through its mother, and when she does apply it will be desirable to file the grand-

Sallie Miller - 2

mother's testimony with the application. It appears that the mother of this grandchild, called by the applicant Nettie Holt, died in 1878, and was the daughter of her first husband, Dick Whitmore, a slave in the Cherokee Nation at the time of the breaking out of the war, and with whom the applicant continued to live until about the time of the close of the war. It further appears that this Nettie Holt returned with the applicant from Kansas and so far as the applicant's rights in that particular may be concerned, acquired all the rights of her mother; and also, it appears that this Nettie Holt, after her return to the Cherokee Nation about the time of the close of the Civil war, was never out of the Nation except some four years when she was at school. This daughter, now known as Katie Davis, is shown to be Nettie Holt's daughter by a non citizen. Therefore, when the facts of her own residence be duly established in the Cherokee Nation, her rights apparently will turn exclusively upon the date of the return of the applicant, her grandmother, to the Cherokee Nation, with reference to the treaty of 1868. As indicated, the examination continued further at this time than simply to develop the testimony through the grandmother, upon which that application must rest when it is made in its regular order.

Bruce P. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce P. Jones
Sworn to and subscribed before me this the 18th of June, 1901.

[Signature]
Commissioner.

NE 648

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

day of **SEP 18 1901**, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

Notary Public.

Filed 1901

NOTICE!

IN THE MATTER OF the application of Sallie Miller
for enrollment as a Cherokee citizen:

Case No. D 648

To Sallie Miller or Malletto & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.
Indian Territory, on Oct. 5th at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L B Bell
N. H. Hatcher
Attorneys for the Cherokee Nation

Supl. C.F.-D.#648.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SALLIE MILLER as a Cherokee Freedman, introduced on behalf of
Cherokee Nation.

APPEARANCES:

Mr. Mellette, of Counsel for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON MCKENZIE, being duly sworn by Commissioner Needles,
testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Simon McKenzie.

Q Where do you live? A I live up Pryor Creek, about five miles
north of Pryor Creek.

Q What is your age? A I am 59.

Q How long have you lived in the Cherokee Nation? A Been living
here all my life, only few times I have been out of the Nation.

Q Well, you were out of the Nation; when you were out of the Nation
what places were you in? A When I was out of the Nation I lived at
Fort Scott, Kansas.

Q About what year did you live in Fort Scott, Kansas? A I lived
from 1865 down to 1866, '87 and down to spring of '68.

Q During the years you lived there did you become acquainted with
Sallie Miller, or Holt, or Walker? A Yes, sir, I was acquainted
with one lady named at that time Sallie Holt.

Q Well, did you know her family at that time, her mother?
A Yes, sir.

Q What was her mother's name? A Aunt Easter Holt.

Q Did you know any of her brothers? A Tecumseh and I forget
the other one's name, was another one.

Q Do you know whether it was Mose or Joshua? A Yes, sir, Mose and
Joshua.

Q Did you know any of her sisters? A Yes, sir, but I forget their
names.

Q Now, where were they living, if you know, during the years you
lived at Fort Scott? A They lived in an old Government building
right in Fort Scott.

Q You went there in 1865? A In '65.

Q How long had you been there before you knew these people, or got
acquainted with them? A I was there about a month or two or three
months, I could not state the time.

Q Well, where were they living when you left Fort Scott, Kansas,
if you know? A Well, Aunt Easter was living in an old Government
building.

Q Have you seen any of them since that time? A No, sir.

MR. MELLETTE: Now, Mr. McKenzie, you don't know that the woman
who is an applicant here for enrollment is the woman whom you say
you saw up at Fort Scott, Kansas, at the close of the war, do you?

A I don't know the woman.

Q You don't know that that is the same woman? A In the same name.

Q It is not the same name? A She name Holt.

Q Well, you don't know that this is the same woman that you knew
up there, do you? A Well, it was a daughter of Easter Holt, it
was a Sallie woman.

Q Well, you don't know anything about this applicant; you have
never seen this applicant here? A I haven't seen her here.

- Q. Well, you have never seen her since she has made application here for enrollment have you? A. No, sir.
- Q. Now, when did you leave Fort Scott, Kansas? A. I left there early in '88, in the spring.
- Q. In the spring of '88? A. Yes, sir.
- Q. What were you doing up there at Fort Scott? A. I was working there at Fort Scott, for Billy Shanahan, stone mason, doing public work there.
- Q. Did you keep track of these colored people? A. All I saw.
- Q. Did you ever testify in this case before? A. I guess I did.
- Q. When? A. Not long ago at Fort Gibson.
- Q. You give testimony up at Fort Gibson? A. I think I did.
- Q. How long ago? A. I don't know exactly whether it was last month.
- Q. How old are you, Mr. McKemie? A. I am 59.
- Q. Well, it has been 35 or 36 years ago then since you saw them up there at Kansas? A. Yes, sir, I guess so, I never kept count of the time.
- Q. Well say 35; well, Mr. McKemie, can you remember just about the time you saw these people up there 35 years ago? A. Well, I guess I could remember it, I stated before.
- Q. There is no reason why you paid particular attention to them? A. No, just seeing them pass and repassing about.
- Q. You left there in the spring of '88? A. Yes, sir.
- Q. Well, they could left there a year before that and you not remember it 35 years afterwards? A. Didn't I saw they back and forth all the time I was up there, off and on.
- Q. Well, now, off and on there, you saw them? A. Every week.
- Q. Can you remember 35 years ago you saw these people every weeks? A. I guess so, I wouldn't be here if I didn't thought I could testify nothing.
- Q. Well, you feel because you are here you have to testify something? A. I don't know.
- Q. Well, I want to know if you can remember 35 years ago you saw these people every week? A. I did while I was living in Fort Scott most every week.
- Q. Is it possible they might have left there a year before you did? A. If they did they went back in a short time.
- Q. What were you paying so particular attention to these people for? A. I could not tell you.
- Q. You just watched them? A. Well, just seeing them pass and pass every day.
- Q. What else did you see up there at Fort Scott? A. Why I see good many.
- Q. What other colored people? A. Good many, good many other colored.
- Q. Just people, but I don't know their names.
- Q. Well, now, give the name of some other colored person you saw up there except this family? A. I could not give their name.
- Q. There were a great many colored people in Fort Scott? A. Yes, sir.
- Q. And of all the colored people that was in Fort Scott this family is the only one you remember the names? A. Yes, sir, of course I was passing there and some lived out in the country.
- Q. Well, who else lived in the Government building there? A. Good many families.
- Q. Good many families? A. Yes, sir.
- Q. Why don't you remember the names of the other colored people? A. Because the boys I remember them, and part lived in town.
- Q. Why don't you remember the names of some other colored people you saw there some time? A. Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
- Q. Who is Bill Thompson? A. There he is (pointing to a man in the audience.)

Q And who else was there? A Bill was blacksmith; Tom Brown.
Q Was it Tom Brown or Bill Brown? A Tom Brown.
Q When did they leave there? A I don't know.
Q Were they there when you left? A I don't know; they lived out at the edge of town, of course when I left town I went out about three miles at least and a family lived there by the name of Campbell, worked right there at Fort Scott. I know the whole generation of you will give me time to call the name over, the whole generation of them.
Q What makes you remember seeing these people there all the time you were there? A I saw them off and on, because I was working in town; Tom Brown was a blacksmith, worked in town.
Q When was the last time you remember seeing this Sallie Miller?
A Well, I saw when I left Fort Scott.
Q Did you see her the day you left? A No, sir; I didn't see her the day before I left.
Q How long before you left did you see her? A Oh, short time, maybe a week or two weeks.
Q You remember then of seeing her two weeks before you left?
A Yes, might have been two weeks, and maybe longer and not so long.
Q Maybe a year too? (No response.)
Q Was it a year? A No, sir; I don't think it was a year; if she left there at all she went west, went towards Mapleton.
Q How do you know she went to Mapleton? A Well, if she left at all.
Q What makes you think that? A That was the talk.
Q How was that? A That is why I found out by talking with her brother.
Q You got a letter? A No, sir, talking with her brother.
Q You are testifying to what her brother told you?
A That is how I found out where she went, if she went off at all.
Q That is the reason you are swearing that she was there all the time you were there? A No, sir; I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A William Margrave.
Q What is your age, Mr. Margrave? A My age is -430--about 82;
I am away along in the 83 year.
Q Where do you live, Mr. Margrave? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A Since 1854.
Q Since you lived at Fort Scott, Kansas, did you become acquainted with a colored family by the name of Holts or Holt? A Yes, sir.
Q You know the old lady's name? A Yes, sir; do you mean the mother?
Q Yes, sir, what was her name? A Easter Holt.
Q How many of the children do you remember, Mr. Margrave? A Let's see, there was Moss, Funch, Sallie and Jack.
Q When did you become acquainted with the family? A I am not positive, I think they came there along towards the close of the Civil war, if they didn't they came there very shortly afterwards.
Q Well, how, where did they live with reference to where your home was? A Well, most of the time they lived in, I should judge, about a hundred yards, except Moss he lived, after he married, he lived about 50 yards.
Q Well, now, where is Moss Holt living now, do you know?
A Lives right there by me in Fort Scott.
Q Do you know what Moss is living? A I do not, he has been away from there a good many years, I don't know how long.
Q Well, about how many years has it been since Jack moved away from there? A Of course that would be from guess work, something I never took no count of, I don't think he has made his home in Fort Scott for the last 10 years, I might not be correct about it.

Q About how long has it been since Resumach moved away from there?
A That maybe all the way from five, sir, seven or eight years,
not longer than that.
Q Well, when did Bettie leave there, about when did she leave?
A That is quite a while ago, I could not tell that.
Q Well, did Sallie Holt marry while she was up there? A Yes, mar-
ried twice.
Q What was her first husband's name? A Walker he died and then
she married a Miller.
Q Do you know what Miller's first name was, or what he was known
by up there? A Stephen I believe it is.
Q Have you seen Sallie Miller, the applicant, since you been down
here? A I saw her this morning, spoke to her.
Q Did you recognize her as the same woman you knew up there as
Sallie Holt? A Well, she lived right there near me for I expect
30 years, I don't know that it was that long; of course I knew her
as well as I knew anybody in Fort Scott.
Q About how long ago was it since Sallie left Fort Scott?
A Well, now, I can't tell you.
Q Well, you came from there in -? A Seven, eight or ten years.
Q Do you know where Aunt Master Holt is living now, whether she is
living or dead? A I saw her I think about a year ago up in Fort
Scott, I have never heard of her dying.
Q When did she move away, if at all, from Fort Scott, Kansas?
A It comes to those dates.
Q About how long? A I would think it was six or seven years ago.
Q You got acquainted with this family as I understand you, sometime
about the close of the war? A Yes, sir, I knew them by sight and
afterwards got acquainted with them.
Q They afterwards lived right near you? A Yes, sir. It was
right close to me, I don't think it was over a hundred yards from
where I now live.
Q And they lived there then in your neighborhood from the time you
got acquainted with them up until a few years ago? A Yes, just
as I stated.
Q MR. BELLETT: Now, where was Sallie Miller in the fall of '65?
A I don't think I could tell just that because -
Q Well, now, where was she in '66? A The family was there, I
am satisfied they were in Fort Scott in '66.
Q I am talking about Sallie Miller now? A I know you do; one of
the family might have went away.
Q You can't say that Sallie Miller, or Sallie Holt, was not here
in the Cherokee Nation in 1866 can you? A No, sir, I cannot;
I know the family was living up there at that time. One of the fami-
ly could go off and I would not know anything about that, go off
and return again.
Q Isn't it a fact that she was down here in '66, and didn't go
back up to Kansas for a couple of years after '66, about 1868?
A No, I don't know.
Q You don't know? A No.
Q That might be true, might it not? A Yes, the family was there,
I know they didn't all come here; might be such a thing as she did,
of course not looking for a thing of that kind I might not know.
Q Well, these people might have come down in the Territory from
time to time without you knowing their business, might they not,
35 years ago? A For many one at the time?
Q Yes, or two at the time? A Of course they might.
Q Sallie Miller's husband died up there, one of them? A Walker.
Q Didn't she take some children back from here the first time
she went back? A Children, I don't know anything about it.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.

Q What is your age, Mr. Forbes? A 56.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 35 years.

Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A Yes, sir.

Q What was the old lady's name, if you know Mr. Forbes? A I don't exactly know what the old lady's name was.

Q What was the children's names? A I have heard the names; well there was Hoss and Josh and Mrs. Walker, well, there was one or two others.

Q Do you know whether her name was Gallie Walker or what her first name was? A Her name was Sallie Walker.

Q Did she marry a man by the name of Walker? A Yes, sir.

Q Where was Walker at the time of his death, if you know?

A I don't know where he died, but I was informed that he died; that I don't know where he died, or whether he died in Fort Scott.

Q Well, do you know whether or not she married after Walker's death?

A Yes, sir.

Q Who did she marry that time? A Man by the name of Miller.

Q Do you remember his first name? A Well, I have heard it called Step Miller.

Q What business did he follow? A Shoemaker.

Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bot or Bit, I think that is it; and there was Hoss and Josh.

Q Any one else you remember? A I think there was more than that.

Q Do you know where Hoss Holt is living now? A Living at Fort Scott.

Q Do you know anything about where Josh is living? A He, sir.

Q About when did Josh Holt move away from Fort Scott, Kansas?

A Well, he moved away from there good many years ago, I don't know very well; I wasn't very well acquainted with him on that account.

Q Well, when did the applicant, Sallie Miller now, formerly Sallie Holt, move away from there? A I could not say, I think the best of my judgment it was eight or ten years ago, but I could not after I got acquainted with them in '70, then I was personally acquainted with them after that.

Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there afterwards.

Q Do you know what became of Sallie whether she is living up there or alive? A No, I do not.

Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.

MR. MCLELLITE: Mr. Forbes, you don't know where these people, any of them, were in 1866, '67 or '68, do you? A No, sir.

Q Isn't it a fact that they came after you knew them, that they came back and forth down here in the territory and back up to Kansas?

A I didn't know anything about that; I think I heard some of them talking about going down to Fort Smith or going from Fort Smith, or something when I got acquainted with them.

Q Fort Smith down here on the border? A Yes, sir; I wouldn't be positive of that; some little recollection is in my mind but I wouldn't be positive.

JAMES BRIGHTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A James Brighton.

Q Where do you live, Mr. Brighton? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 20 years.
Q Since you have been living at Fort Scott, Kansas, have you become acquainted with a family of colored people by the name of Holt?
A Yes, sir.

Q What members of the family are you acquainted with? A I know Mose, Mose lives there now, well I think any other one, George Maybe.
Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.

Q You are not very well acquainted with them? A I knowed Mose well and knowed where they lived well; no, I am not well acquainted with the lady folks.

Q Did you ever know the mother? A No, sir.

MR. MELLETT: You don't know where the women folks made their homes, whether they made it here and visited up there, or where they really belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

MR. DAVENPORT: What is your name? A William Sexton.

Q Where do you live, Mr. Sexton? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A I have lived at Fort Scott ever since '69.

Q Well, since you came to Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A I did.

Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.

Q What was her name? A Her name was Easter Holt.

Q What were the names of the children, or as many as you can remember? A There was one by the name of Mose, Josh, and Cumsh and Jennie and Gallie; that's as many as I recollect.

Q Well, did you know Gallie Holt, if she was a grown woman?
A Gallie she was a woman when I got acquainted with her.

Q Josh, was he grown when you got acquainted with him?
A No, sir, he was a young man.

Q Would you know Gallie Holt if you would see her now?
A Yes, sir.

Q I wish you would look back through the audience and see if you see her? A Yes, sir.

Q You recognize her as being the same woman, Sallie Holt, you knew?
A Same woman.

Q Did she marry while she was living up at Fort Scott? A She was married when I got acquainted with her.

Q Do you know what her husband's name was? A Her husband's name was Walker.

Q Do you know whether Walker is living or dead? A He died.

Q Well, did she marry again? A She did.

Q Do you know who she married? A She married a man by the name of Miller.

Q Do you know his first name? A Stephen.

Q What was his business? A He was a shoemaker up there.

Q You knew Josh too up there did you? A Yes, sir.

Q And Tetumseh? A Tetumseh.

Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.

Q Do you know whether or not there was a girl by the name of Bettie?
A I wouldn't be positive but it appears to me there was.

Q Were they living in Fort Scott when you went there in '69, Mr. Sexton? A Yes, sir.

Q Well, about how long after you went there did they continue to live in Fort Scott? A Now, I could not say; I didn't pay particular attention, sometime they would leave and sometimes they was there.

- Q Did they keep house while they were there? A Yes, sir.
Q Did Sallie live there with Walker when he was living?
A Yes, sir.
Q Where is Mose living now? A Mose is living up there now.
Q About how long has it been since you remember of Josh and then living in Fort Scott? A Josh hasn't been there for some considerable time.
Q Well, about how long? A It has been, I should judge, some ten or 12 years.
Q Well, how long has it been since Tecumseh has been living there?
A She has lived there to the best of my recollection, it has been that long since I seen him there.
Q Do you know where he went when he left there? A No, sir.
Q You don't know whether he went to Kansas City or not?
A No, sir, I do not.
Q Well, how long has it been since Sallie has been living there?
A I don't know.
Q Has she lived there any since she and Miller married? A Yes, sir.
MR. MELLETTE: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the Territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.
Q That is true? A Yes, sir.
Q You don't know where any of these people were in '66? '67 or '68?
A No, sir; I came to Scott in '69.
MR. DAVENPORT: And they were living there, when you came?
A They was there when I came.

Com'r Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 15th, 1901.

[Signature]

Commissioner.

- Q Did they keep house while they were there? A Yes, sir.
Q Did Sallie live there with Walker when he was living?
A Yes, sir.
Q Where is Mose living now? A Mose is living up there now.
Q About how long has it been since you remember of Josh and then living in Fort Scott? A Josh hasn't been there for some considerable time.
Q Well, about how long? A It has been, I should judge, some ten or 12 years.
Q Well, how long has it been since Tecumseh has been living there?
A She has lived there to the best of my recollection, it has been that long since I seen him there.
Q Do you know where he went when he left there? A No, sir.
Q You don't know whether he went to Kansas City or not?
A No, sir, I do not.
Q Well, how long has it been since Sallie has been living there?
A I don't know.
Q Has she lived there any since she and Miller married? A Yes, sir.
MR. MELLETT: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.
Q That is true? A Yes, sir.
Q You don't know where any of these people were in '65? '67 or '68?
A No, sir; I came to Scott in '69.
MR. DAVENPORT: And they were living there when you came?
A They was there when I came.

Gen'l Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 15th, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmore, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Ellie Miller, F 441,

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decrees, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be sustained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Goff of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

(Signed) F. G. Reuter,
Notary Public.

United States of America

Indian Territory

Western District SS

Sallie Miller of lawful age being duly sworn on her oath deposes and says, My name is Sallie Miller my age is about sixty-three years and my post office is Vinita, Indian Territory. I was the slave of a Cherokee Citizen at the commencement of the war of the rebellion and during said war I left the Cherokee Nation and went to the state of Kansas returning and establishing my residence in the Cherokee Nation again before February 11th 1867. I returned to Fort Gibson, Cherokee Nation, Indian Territory in the fall of the fall of the year of 1868 and remained at Fort Gibson until about September 1867 when I moved upon the Verdigris river where I spent a part of the winter and during the cold weather of the winter of 1867 I went over on big Creek Cherokee Nation and stayed the rest of the winter with my uncle, Andrew Daugherty, and in the Spring of 1868 I returned to my place on the Verdigris until May 1869 when I went back to Fort Gibson Cherokee Nation, Indian Territory and I continued then to live in Fort Gibson until the Missouri, Kansas & Texas Railroad was built through the Indian Territory which according to my recollection was about the year of 1872 and I then went back to the Verdigris river and continued the improvements on my farm on the Verdigris river and I lived on my farm until June 1877 when my husband went to Joplin Missouri to have his arm treated for a wound he had received in the Army. While my husband was in Joplin having his arm treated I spent the time with my uncle Andrew Daugherty. I spent seven or eight months in Fort Scott Kansas and while there my husband died and I then came back and went to Fourteen mile Creek Cherokee Nation and spent some time in the vicinity of Fort Gibson. After that I went to Fort Scott Kansas occasionally to work but was in the Cherokee Nation looking after my property here part of each year. I have owned property in the Cherokee Nation consisting of a farm and other personal property continuously from the time we made a place on the Verdigris river in the year of 1868 and at no time since 1868 have I been without property in the Cherokee Nation.

WITNESS TO MARK:

J. S. STARR

SALLIE E. MILLER

Subscribed and sworn to before me this 26th day of May 1906.

JESSIE PATTER

(REAL)

Notary Public.

My Commission expires December 15, 1909.

COUNCIL BILL NO. 10.

An act to re-admit B.F. Bane and children to citizenship in the Cherokee Nation.

Sec. 1. Be it enacted by the National Council:-

That B.F. Bane and his Children, Cordia Bane, Fannie Bane, Midge Bane, Leonard Bane, Vinnie Bane, and Duff Bane; Be and they are hereby re-admitted to all the rights and privileges of citizenship in the Cherokee Nation.

Sec. 2. Be it further enacted:-

That this act shall not go into effect until said B.F. Bane and children shall have permanently located in the Cherokee Nation.

Passed the lower house November 25rd, 1893.

Bird Jones,
Speaker of House.

J.M. Dick,
Clerk of House.

Concurred in by the Senate, with the following amendments.

Add the names of Nancy Hughes, Mary Hughes, Margaret Hughes, William Hughes, Richard Hughes, Bessie Hughes, Henry Hughes, Roberson Clay, Mary Miller and Family. In section 2, add: Provided however, that the removal and locating of the persons herewin re-admitted, shall be done within six months after the passage of this act.

Dec. 9th, 1893.

Richard M. Wolfe,
President of the Senate.

C.W. Willey,
Clk. of Senate.

Amendments Concurred in.

Bird Jones,
Speaker of Council.

Henry Dick,
Clk. of Council.

Approved, Dec. 11, 1893.

G.J. Harris,
Principal Chief.

Executive Department,
Cherokee Nation,
Tahlequah, Indian Territory.

I, G.J. Harris, Assistant Executive Secretary of the Cherokee Nation, do hereby certify that the above and foregoing is a true and correct copy of the original as of record in this Department.

In testimony whereof, I hereunto set my hand and affix the seal of the Cherokee Nation, this the 20th, day of August, 1894.

Assistant Executive Secretary.

Department of the Interior
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment of Sallie Miller
et al as Cherokee Freedmen.

R E Q U E S T.

Come now the applicants and represent to the Honorable Commissioner
to the Five Civilized Tribes that John Sharp is a material witness in
the behalf of these applicants and without whose testimony the applicants
can not safely go to trial. That said John Sharp is now in the custody of
the United States Marshal for the Northern District of the Indian
Territory charged with the killing of a man recently and that he will
be found in the United States jail at Vinita at any time from this time
until the date this cause is set for trial. That the name of John Sharp
appears among the list of witnesses furnished by the applicants.

We therefore request that the Honorable Commissioner make such
arrangements as will secure for these applicants the testimony of the said
John Sharp. *Said John Sharp will testify that the*
applicant Sallie Miller was admitted by the National Council.
In view of the fact that witnesses should appear personally before
the representative of the Commissioner and give their testimony we ask
that the representative of the Commissioner go to Vinita and take his
testimony and if this is not practicable then that the Honorable
Commissioner authorize the taking of the deposition of the said John
Sharp before the case is called for trial.

Respectfully,

Starr & Patten

Attorneys for applicants.

J C Starr of lawful age says he is one of the attorneys for the applicants
that he has read the foregoing statements and same are true as he verily
believes and that he knows that John Sharp is in the custody of the
Marshal of the Northern District I T.

Subscribed and sworn to before me this 15th day of Dec 1895

G. P. Ream
Notary Public.

Copy

C O P Y.

United States of America,
Indian Territory
Northern District SS

I, W. H. Darrough, United States Marshal for the
Northern District of the Indian Territory do hereby certify that John
Sharp is in my custody and keeping on a charge of murder, being held
without bail in the Northern District of the Indian Territory.

Given under my hand and seal of office this 15th day of December
1908.

W. H. Darrough, U S Marshal
By W. B. DePue, Chief Deputy

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of SALLIE
MILLER, ET AL., as Cherokee freedmen, F. D. 646.

Answer of Cherokee Nation to Request of
Applicants to take Testimony of John Sharp.

Comes now the Cherokee Nation and opposes the request ^{of applicants} that to take
the testimony of John Sharp alleged to be in the custody of the United
States Marshal in the jail at Vinita, Indian Territory, for the reason
that it does not show in said request what is expected to be proved by
the said John Sharp, and therefore it is not material and it is not
shown that the same cannot be proved by other witnesses.

Respectfully submitted,

(Signed) W. W. Hastings
Attorney for Cherokee Nation.

Service accepted this 15th day of December, 1906.

(Signed) Harry J. Patton
Attorneys for the Cherokee
Applicants.

Joshua Ross =

Don't know any thing
about Gallie Miller. Gallie
Miller came to him & wanted
him to make out his claim
& he would not do so
but no case - Never paid
Back Brotherhood after they
were discharged May 31/06

12/13-06 -

Cherokee Freedman 2 648 87 al

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, T. T., DECEMBER 20, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application
for the enrollment of GALLIE MILLER, ET AL., as Cherokee Freedmen.

APPEARANCES:

For Applicants, Starr & Patten.

For Cherokee Nation, W. W. Hastings.

This case was remanded by the Secretary of the
interior on July 9, 1906, for further hearing. All
parties concerned being duly notified thereof, and the
case being set for hearing on this day, the following pro-
ceedings were had:

SEYMOUR ROSS, being first duly sworn by H. F. BARNES, a Notary
Public, testified as follows on behalf of the applicants:

BY MR. PATTEN:

- Q What is your name? A. Stick Ross.
Q How old are you? A. 58.
Q What is your postoffice? A. Tahlequah, Indian Territory.
Q Are you acquainted with the applicant, Gallie Miller? A. Yes
sir.
Q How long have you known her? A. Ever since the war.
Q Were you personally acquainted with her about the year 1892 and
1894? A. Yes sir.
Q How long had you known her before that? A. Well I knew her
just about the time of the war when they came over to the
place there and have been knowing her ever since; they stayed
there at our house.
Q Had you known her about continuously from the close of the war
up to that date? A. Yes sir.
Q What, if any, official position were you holding about 1892?
A. Member of the lower house.
Q Lower house of what? A. Council.
Q Council of the United States or where? A. Cherokee.
Q Cherokee Nation? A. Yes sir.

- Q You were a member of the lower house of the Cherokee Nation at that time? A Yes sir.
- Q Do you know whether or not during the November session of that Legislature whether or not this Sallie Miller that you say you know applied for readmission as a Cherokee citizen? A Yes sir.
- Q You knew her at that time, did you? A Yes sir.
- Q You knew that she applied? A Yes sir.
- Q Well do you know who represented her or how she made her application, any particulars other than just knowing it? A I don't know how she got in there but they had a committee there to act on it and I was one of them and Mr. Sharp.
- Q What Sharp? A John Sharp and Lincoln England and Mr. Dobson, and Will Thompson was the Clerk.
- Q Were they part of the members of a certain committee? A Yes sir all of them were; that is Mr. Dobson, England and Mr. Hare, either Mr. Hare or Mr. Hucklebrand at that time; there was two or three of them full bloods, we had to have an interpreter for them.
- Q What, if anything, did you have to do with that matter? A I was a witness in the case.
- Q Anything more, did you represent her or aid her in it in any way? A I voted for her.
- Q Do you know whether or not she was admitted at that time? A Yes sir, she was.
- Q This committee that you speak of, did she go before that committee? A Yes sir, she stayed in person when they were talking over her case; she was in the house awhile.
- Q What kind of a committee was that, was that a standing committee? A I think it was at that time; I think it was a committee to act on this readmission of citizenship concerns.
- Q Do you know whether or not her matter was upon before the both houses of the Cherokee Legislature? A I couldn't tell about that but looked like it must have been; it come in the lower house and we taken action there and it must have went through the Senate, couldn't have gone through the lower house and not through the Senate.
- Q Do you know whether or not that after it had passed that committee that you just mentioned, whether or not that bill was ever perfected, I mean signed by the Chief so she was really readmitted? A I do not know.
- Q Can you look at the applicant, who is present, and say on your oath and say whether or not it is the same woman who was present at that time? A Yes sir, this is the woman here.
- Q You identify her, do you? A Yes sir, this is the woman we passed through that time.
- Q Do you know how she happened to come down there, what did she come for? A About her lot she had at Vinita there and some fellow was trying to take it away from her.
- Q Do you remember any question or anything that occurred that would make you sure that this matter transpired while she was in that committee room other than the mere fact that she was there? A Well there wasn't but one thing that I noticed; after we got through questioning her about her right we had an interpreter

there to talk to the full bloods and when we got through Mr. Dobson told them to relate that to that committee and as he went to say something to the committee ~~next~~ one of them said something to her in Cherokee and she turned around and talked back to them in Cherokee and they said let her talk herself, and then they said she was all right and we went right in and voted on it and wasn't but two voted against her.

Q Who was that? A John Sharp was one of them.

Q You are satisfied this is the woman? A Yes sir, this is the one; she is the only one that passed through at that time while I was a member of the Council.

Q How long were you a member? A Two years.

Q Do you know when you were elected? A No sir, I can't; I can't read and write but I know I served two years.

Q Are you able to say whether this was on or about the latter part of 1893?

MR. HASTINGS:

Objected to because it is clearly leading and the witness has said that he doesn't know the years he was a member of the Council, and therefore cannot testify as to that.

ON BEHALF OF THE COMMISSIONER:

The objection will be noted.

A Well I couldn't tell; I think it was the last year when I was in the house; the first year I was there I don't think she applied; the last term she come there and then I went out; I can't tell about what time that was; ~~wasn't~~ there the first year I was elected, and the next year she appeared there about a man taking her place up there at Vinita away from her; I don't know whether it was taking her in for readmission or what.

Q Well do you know whether or not there were any other freedmen while you were a member of the Council ever admitted?

MR. HASTINGS:

Objected to as being irrelevant and immaterial.

ON BEHALF OF THE COMMISSIONER:

The objection will be noted.

A No sir, that is the only one.

Q This is the only one you know of being up there for readmission?

A Yes sir, this is the only one.

- Q Was it the practice of the Cherokee Legislature to readmit or admit freedmen, or did they confine that almost entirely to Cherokees by blood? A Well they first said when I first got in I had so many applications come to me and I was introducing them the first Legislature, and a friend of mine told me that they were not acting on any freedmen at all and said your cases are all coming before the Supreme Court, and I told them all and she got in possibly some way or the other, I don't know how.
- Q You don't know who her father was, do you? A No sir, I don't know; well it was the only one that ever passed there while I was a member of the house.

BY MR. HASTINGS:

- Q You said just now you didn't know her father? A No sir, I didn't.
- Q And never did know him? A No sir, never seen him.
- Q Was this woman admitted as a Cherokee by blood or as a freedman? A I couldn't tell whether it was a freedman or by blood, but anyway them full bloods were talking to her and they said she was an Indian by blood.
- Q Do you know how she was applying, as an Cherokee by blood or as a freedman? A I don't know how she was applying, but anyway she was in before us in there.
- Q If you don't know now how she was applying, will you please explain to the Commissioner how you could be a witness for her when you didn't know how she was applying? A I can't tell how she was applying.
- Q You said just now you didn't know whether she was applying as a freedman or Cherokee by blood? A I don't know what her right were; I was a witness having seen her at that time.
- Q You were a slave yourself? A Yes sir.
- Q You can't read nor write? A No sir.
- Q Did you introduce her application into the Council then? A No sir, I don't know who introduced it.
- Q But it was introduced into the lower house? A I don't know whether Will Thompson introduced it or not, I was a witness in the case there.
- Q It was introduced in the lower house? A Yes sir.
- Q Then it was referred to a committee of the house? A Yes sir, that is the way I think it was.
- Q I want to know, you are swearing to this? A Yes sir.
- Q Then did that committee in there frame a bill? A Yes sir, I guess they did, yes sir.
- Q Well did you go back then and introduce that bill? A Took it back into the house.
- Q Well from the report of this committee was a bill introduced? A It must have been by taking a vote on it.
- Q I am asking you if you knew? A Yes sir.
- Q Do you swear that the committee of the lower house after these hearings introduced a bill admitting this party to citizenship? A Yes sir, I think they done that; that is what I think.

- Q That is the way you are swearing, is it? A Yes sir/
Q And that bill passed, did it? A Yes sir, it passed.
Q And that is the last you heard of it? A Yes sir/
Q You don't know what became of it after that time? A No sir, I don't
Q You have just now sworn you don't know whether it became a law or whether the Chief signed it or not? A No sir, I don't know that
Q All you intend to testify is about the hearing of the committee of the house and about the introducing of the bill in the house and about it passing the house, and you don't know what became of it thereafter? A No sir, I don't
Q You say you cannot read nor write? A No sir/
Q But you do know this was the second year of your term? A Yes sir.
Q But you don't know what year that was? A No sir, I don't.
Q You are positive that it was the second year of your term? A Yes sir.
Q Did she have any members of her family there then? A No sir/
Q By herself? A By herself; she said she had a family, some children up about Vinita.
Q Didn't tell you how many? A No sir/
Q When did you see Lincoln England last? A Time we had that convention up here.
Q When did you see Levi Gritts last? A The other day.
Q Talk to him about this case? A No sir.
Q And he never talked to you? A No sir.
Q Who else did you admit to citizenship there that session of Council? A No one else as know of/
Q You don't remember a solitary one? A No sir, I know we killed a good many; that was the only one that passed in our house.
Q Now lets see who was on that committee again? A Well as well as I remember I know Mr. Dobson.
Q He is not here? A No sir
Q You know this woman went out to see him the other day? A Yes sir, I know she went out.
Q Now who else was on that committee? A I think John Sharp, and Link England and a fellow named Helterbrand.
Q That was a committee of five then? A I think there was five.
Q Were you on that committee? A I was in there, I don't know whether I was on the committee or a witness, and Will Vann was in there too.
Q Don't you know that you would remember whether you were on a standing citizenship committee when you were a member of the Council? A I was a witness I said.
Q Were you a member of that committee? A No sir, I was a witness before that committee.
Q Don't you know that the five people whom you have mentioned of belonging to that committee all belonged to one party, namely the National Party and never in the history of that Council was all the members of one party on a standing committee? A I don't know, that is the way it was.

- Q Now do you swear that those are the fellows that was on that committee? A I said I didn't know all of the committee, only Mr. Dobson and Link England and John Sharp. And Will Thompson and I don't know whether he was on the committee or a clerk.
- Q But you do know it was the second year you were elected? A Yes sir.
- Q Do you know what time of the year it was? A No sir, I don't know ~~whether~~ nothing about the months, what dates or nothing.
- Q Do you know one year from another? A Yes sir.
- Q But you don't know what year you were elected? A No sir.
- Q And you never heard of anybody else being admitted during that session of Council? except this woman? A No sir, not while I was in the lower house.
- Q You would have known it? A I would if it had come up.
- Q I say if there had been any other bill passed there admitting anybody else other than this woman, you would have known it? A Yes sir; there was a lot of bills passed while I was not in the house.
- Q Admitting anybody except this woman? A Yes sir.
- Q Will you swear that? A Not while I was in the house; I wasn't there all the time.
- Q This bill originated in the committee you were before of the lower house and went back to the lower house and passed there and was sent over to the Senate? A No sir, I didn't; I don't know whether it come from the Senate or whether they took it to the Senate.
- Q Didn't you say you framed a bill and took it back? A I said they framed a bill and took it in the lower house and voted on it.
- Q Did they have a bill in the lower house before that committee? A They had that bill they framed it in the committee room I guess.
- Q Do you know? A I don't know for certain but that is all the bill I know of; we all went right back in and a fellow wrote it and we all voted on it and it passed.
- Q And that was for this woman? A Yes sir.
- Q Anybody else? A Not as I know of; not while I was in there.
- Q Couldn't have been in there at that time at this woman? A Yes sir, a whole lot been in there.
- Q At that same time? A Not that same day but along through the session.
- Q I mean in that same bill, there wasn't anybody but this woman? A No sir, there wasn't; I know a bill came through there with a whole lot of names to it and they took a vote on it and killed the bill.
- Q But when this one passed, just this one woman? A Yes, sir.
- Q Nobody else was in it but this woman? A No, sir, nobody but this woman.
- Q And it was framed in the committee room, and you don't know what become of it after you voted on it? A No, sir, I never heard any more about it until here this summer I heard something about it, was asked whether I was a member at that time, and I told them yes.

ON BEHALF OF THE COMMISSIONER:

- Q Was this woman's application for admission when it left the committee room reported to the house? A Yes sir/
Q Was it acted on by the house? A Yes sir, just stepped out of the room like this and right in the room there.
Q Now her application when it came up before the house, can you state whether it had already been presented to the Senate?
A No sir, I couldn't tell, I don't think it had, I don't know; there is where it started right in there.

BY MR. PATTEN:

- Q When this matter was referred to that committee that you speak of, did they take any testimony or inquire into the facts as to whether or not she got back in time under the Treaty of 1866?
A Yes sir, that is what the testimony was for there at that time.
Q You don't know then whether the bill or part of the bill that Sallie Miller was admitted under an original bill, or an amendment, do you know? A No sir, I don't know that.
Q Who was the interpreter at that time? A Gritts/
Q What was his first name? A Levi Gritts/
Q Was he present at the time? A Yes sir, he was the interpreter.

(Witness excused).

SALLIE MILLER, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows in her own behalf:

BY MR. PATTEN:

- Q State your name? A Sallie Miller.
Q How old are you? A 64.
Q What is your postoffice? A Estella, Indian Territory.
Q Are you one of the applicants in this case? A Yes sir/
Q On or about the latter part of 1893 were you ever in Tahlequah?
A Yes sir.
Q For what reason did you go there? A Well I had bought a lot at Vinita and there was a man there went and fenced it; they said I didn't have no right to it; that I wasn't no citizen, and that is why I went down there to see about it.
Q What did you go down there for? A I thought I would come down there to see, I knowed I could get witnesses down there, the folks knew me down there.
Q You were in Tahlequah to look for some witnesses? A Yes sir, I thought I would just go before the Council there.
Q What did you do when you got to Tahlequah? A Well I got W. A. Thompson to attend to it for me.

- Q What was he doing at that time? A Why I think he was a Clerk of the Court there.
- Q In what way did he attend to that for you? A A Mr. Trainor told him,---I don't know, Dave Trainor sent for me and they fixed it up and Mr. Thompson introduced the bill and they questioned me on my citizenship too.
- Q Where did they introduce that bill? A I don't know, I couldn't tell whether it was right in the house there; you know they were questioning the witnesses there.
- Q Did this matter occur in the Cherokee Legislature? A Yes sir, Legislature was going on.
- Q You say they took the matter of your citizenship up before that Council? A Yes sir.
- Q Were you there in person? A Yes sir/
- Q Before whom did you personally appear yourself? A Well this committee that Mr. Sharp and Mr. England, and this other man, I can't hardly think of the names, it has been quite awhile, and most of them were full blood Cherokees.
- Q Well when you appeared before that committee what was gone into, did they ask you any questions about anything; what did they ask you about? A They asked me about whether I got back here in the limited time or not.
- Q Did you have any other witnesses on that question? A Yes sir, Stick Ross was one.
- Q The witness that just left the stand? A Yes sir; and I believe Columbus McNair, he was there, and another man they called Harrison Foreman; they were the colored people that knew me, that I was in Fort Gibson in '65, '66 and '67, and in '68 I was at Tahlequah; and W. A. Thompson told them he knew me at that time in Fort Gibson, knew my husband; he was a soldier; I didn't know just what they did do with the bill.
- Q What proceedings were gone through with, what different rooms were you in; tell how the thing happened from the time you went there until you left? A Well, just went into two rooms.
- Q What two were you in, and all about it? A Well, I think the middle room; I think I went in the back room first and then into the middle room.
- Q What did you do in that back room? A It wasn't the back room, it was a big room here and then we come out and went into a little room.
- Q Did anything transpire there? A Yes sir, Mr. Thompson was attending to it and they would ask me questions there.
- Q Then where did you go? A Into a little room on the other side of the hall, I think a man named Eubanks, I think was his name?
- Q Well what did you do in that room? A Well, I don't know, Mr. Thompson went in there with me and they done the talking.
- Q What did they talk about? A About my case and writing.
- Q Discussing it? A Yes sir.
- Q Who all were in that room, do you remember? A Wasn't any one but Mr. Thompson and Mr. Eubanks.
- Q Where did you go from there? A Back on the east room where they just all set around in there and I stayed there.
- Q Well was this matter ever discussed before any committee, any number of men? A Yes sir.

- Q Now who was on that committee of men? A Well there was, I am not going to tell what men were in there.
- Q Well the men in there, who were they? A Dick Wolfe, and old Soggy Sanders, and another old man that used to live on Spring Creek, he was a Preacher.
- Q Was that Dobson? A No sir, another Cherokee, and Dobson, and this Mr. England, and a man there in Tahlequah, a Cherokee, Dick something or other, I think he was in there, I can't think of his name.
- Q Would you know his name if you heard it? A Yes sir.
- Q Was it Dick Wolfe? A No sir, he was in there; I don't know whether he had anything to do with it or not, but he was in there. But there was a man in there named Dick something or other; he lives there in Tahlequah, I can't think of his name that was on that committee.
- Q Well, when you were in there before that committee did they examine you, ask you any questions? A Yes sir.
- Q What subject did they ask you about? A Asked me where I lived when I lived in the Territory and where I went to when the war come up and when I come back and who my mother was and who my father was.
- Q Did you have any other witnesses that testified? A Yes sir, this witness that was here awhile ago, Stick Ross, and Mr. Thompson and Columbus McNair.
- Q Well were there any full bloods in the ~~xxx~~ room or on that committee? A Yes sir, there was full bloods; this man, I can't think of his name, he was a full blood and this Gritts was a full blood, and then there was one named Spade, he was a full blood.
- Q What Gritts was that? A This Levi Gritts, the interpreter.
- Q Did you talk Indian to them yourself? A Yes sir, they said something or other, and I just turned in and went to talking Cherokee to them.
- Q Who was your father? A A man named Jack Miller that lived in Vian.
- Q Was he a Cherokee? A A full blood Cherokee.
- Q What did you talk first, Cherokee or English? A Cherokee.
- Q When did you commence to talk English? A I was about 10 years old, my Master sent his children out to school and when they come back they talked English and that is what got me to talking English.
- Q Did they go into the question of who your father was at Tahlequah that time? A Yes sir.
- Q Your mother was a freedman? A Yes sir.
- Q Was she a negro? A Yes sir.
- Q And Jack Miller was your father? A Yes sir.
- Q And he was a full blood Indian? A Yes sir.
- Q When you got there in that room where this investigation was going on where did you go then; what did you do then? A Well just as I said we went into that other room where Mr. Eubanks was, and I just went into the room where they were sitting in there and Mr. Thompson said when the Council is through I will just have to fetch this bill off to get the Chief to sign it, and just as soon as he signs the bill I will send it to you.

- Q Do you know who the Chief was then? A Yes sir/
 Q Who? A Chief Harris
 Q When Thompson told you this, did you talk to any of them after that? A No sir, I didn't, I was getting ready to go home; it was near Christmas time.
 Q Did you go home without knowing whether you had been admitted? A He told me I had been admitted.
 Q When was that? A The next day, and said all they had to do was the Chief had to sign it
 Q Did he say the Chief had already signed it? A No sir, he said the Chief was busy and had so much work that he hadn't got to it, but said that as soon as he would sign it he would send it to me
 Q Did he send it to you? A No sir/
 Q You say this come up about a lot at Vinita? A Yes sir.
 Q Were you ever bothered after that? A No sir/
 Q Well who were members of your family, have you any children? A Yes sir
 Q Who are they? A Why the oldest one is named Dick.
 Q Dick what? A Dick Holt.
 Q How old is he? A He is about 46 years old.
 Q Any more? A Yes sir, well at that time you say?
 Q I am talking about now? A At that time when I was down there I just had four children; Dick and Annie Bushyhead.
 Q Bushyhead now? A No sir, it is Peterson now, but then was Bushyhead.
 Q Was her name ever Butler? A Yes sir/
 Q Any others? A Yes sir, Kattie Putman.
 Q Name tha now? A No sir, Davis now
 Q Any others? A Well the oldest one was Nettie Holt and the next one was Dick Holt; they were born slaves and this Annie Bushyhead at that time, and I raised theis atie Putnam, she is a grand-daughter
 Q Who was her mother? A Nettie, my oldest daughter, she died.
 Q Did Annie peterson, Bushyhead or Holt ever have any children? A Yes sir
 Q What was its name? A Ester Owen.
 Q Is it dead or alive? A Yes sir, she is dead.
 Q Now what others did you have besides those you named? A That is all.

ON BEHALF OF THE COMMISSIONER:

- Q You had ~~any~~ one Howard? A Yes sir; there was Dick and Nettie, they were born slaves; then Annie and Howard Bushyhead.
 Q Is Howard dead or alive? A Yes sir, he is dead.
 Q When did he die? A I think he died; he has been dead about four years.
 Q Do you know what year he died? A I think it was in 1902, or '03.
 Q You don't know, do you? A No sir, I don't.

- Q Is Dick living? A Yes sir, I reckon he is living now; I aint heard from him for a long time.
Q Do you know whether he ever made an application for enrollment?
A Yes sir.

BY MR. HASTINGS:

- Q What month did Howard die in? A In October.
Q How long has it been since you heard from Dick? A About six months.
Q Where was he living? A His wife wrote and told me he was in Chicago.
Q How long has it been since he has been in this country? A He has not bee here since; he was here when I was at Tahlequah at that time.
Q He was right along with you? A No sir, he wasn't with me.
Q But he was here then? A Yes sir, he was up to his father, s. Old man Dick Whitmire was his father.
Q How long had old man Dick Whitmire been dead at that time? A He wasn't dead then.
Q When did he die? A Dick Whitmire, I think died during,--- after the Kern-Clifton enrollment.
Q When did your son Dick marry? A Now I couldn't tell you because he never stayed with me very much.
Q Haven't you got no idea about when he was married? A He has been married I guess about 20 years.
Q Living separate and apart that length of time from you? A Yes sir, except what time he would be down there at Vinita, just come down
Q On a visit? A Yes sir, come and see me.
Q Where was his wife during those 20 years? A She was up to Parsons, Kansas.
Q Did he marry in Parsons, Kansas? A I don't know where he married.
Q Did Nettie ever marry? A No sir.
Q Did Annie ever marry? A Yes sir; she married a man by the name of Owen.
Q When? A I think it was in '89, I guess.
Q Where did she marry him? A In Fort Scott, Kansas.
Q Where was Lattie Putnam born? A She was born over here at Gibson Station.
Q Where was Howard Bushyhead born? A In Fort Scott.
Q Now did you give Will A. Thompson any money when you wer at Tahlequah at that time? A No sir, he was send this,---- Certificate to you? A Yes sir.
Q But you didn't give him any money? A No sir.
Q He wasn't a member of the Council? A I don't know.
Q Well were you to give him any money when he sent it to you? A Yes sir, I told him I would pay him what was right for his trouble.
Q But he never did send it to you? A No sir.

- Q Now this committee that you were before, is the committee that Stick Ross was testifying about awhile ago? A Yes sir
- Q Do you know whether Will A. Thompson introduced your petition or not? A Yes sir
- Q And did he introduce that in the same house this was a committee of, the lower house? A Yes sir, I guess it was the lower house.
- Q This was the first testimony you gave was before this committee that Stick Ross testified? A Yes sir
- Q And it was in that body where the bill was introduced? A Yes sir
- Q Well you never knew what became of the bill? A No sir, I don't.
- Q All you know about it you were in that committee room and you talked in there and you had Columbus McWair, Stick Ross and yourself as witnesses? A Yes sir
- Q And that was all the witnesses you had? A And W. A. Thompson.
- Q And those witnesses told as to your return? A Yes sir
- Q And you never knew of the sort of bill they framed? A No sir, I don't.
- Q The fact you didn't know of your own knowledge that it passed that house? A No sir, just what Thompson told me.
- Q But you never saw a copy of it? A No sir, I never.
- Q Did they ask you in there the names of your family? A Yes sir.
- Q And you give them all the names of your family? A Yes sir.
- Q And told them their ages and where they were at? A Yes sir.
- Q But you never give Thompson or anybody any money? A No sir.
- Q Now you are sworn to tell the truth? A Yes sir, I am sworn to tell the truth; I never give him any money and I told him if he got that through satisfactory I would pay him for his trouble; I seen lots of people there just paying out there money, but I wasn't able to do that.
- Q Are you the same Gallie Miller that testified in our own case on the 10th day of June, 1901, at Ghelsea? A Yes sir, I guess it is; before this Commission?
- Q Yes? A Yes sir
- Q I will ask you if at that time, if you were not asked, "Did you pay Thompson?" (referring to W. A. Thompson in the previous question), and if you didn't answer, "Yes sir, gave him \$10."?
- Q A No sir, I didn't; I agreed if he ever got it through; I told them I would pay them to get on the roll and I never paid none of them nothing
- Q I will ask you if you were not asked at the same time the reason why you went down to Tablequah and if you didn't say then not anything concerning any law, but if you didn't say in answer to this question, "What did you state was the occasion, or why did you go to Tablequah in the nineties to see about your citizenship," and if you didn't answer, "They had a notice in the paper to all them didn't appear on the 1880 roll to go down there and with sufficient proof and they would put them on the roll." Didn't you say that? A Yes sir, I did.

- Q You never said anything about having a difficulty over a lot before? A Yes sir, I did down there at Tahlequah.
- Q Well when you were before the Dawes Commission, you didn't say it? A No sir.
- Q You never dreamed about that before did you, about the lot controversy? A I never said anything about it with them, just you know when I was down at Tahlequah I mentioned it there.
- Q Did you apply at Tahlequah to be enrolled as a freedman to get in under the Treaty of 1866? A Yes sir, I guess it was.
- Q And you introduced your witnesses? A Yes sir.
- Q And you give them the names of your children? A Yes sir, I told them I had four children.
- Q What year was that? A I think it was in '93; I think it was before the Strip payment.
- Q You are not right certain as to the year? A No sir, I ain't.
- Q How long before Christmas was it you were there? A I went there six weeks before Christmas.
- Q How long before Christmas was it you left? A About two weeks; there was another woman there, a Cherokee woman was there about her case, and I don't know whether she ever done anything or not.
- Q Now you never tried to get on the Strip roll the next year in 1894? A No sir.
- Q Why didn't you try? A They wasn't taking any colored people then, were they?
- Q Then you didn't ever claim to be admitted as a Cherokee by blood? A No sir.
- Q You claim to have been admitted as a Cherokee freedman? A Yes, I told them what time I was here; that is what they were asking me if it had been a Cherokee you know they wouldn't ask you if you were right here under the '66 Treaty and I told them I come back in '65.
- Q Then you were applying as a Cherokee freedman? A Yes sir.
- Q And that is the reason you never made any application to get on the Strip pay roll of 1894? A I guess that was it.
- Q Do you know? A No sir, I don't.
- Q Why don't you? A Because I guess I never give it in to them.
- Q You were before the Fern-Clifton Commission in 1896? A Yes sir.
- Q And you never during that whole investigation ever open your mouth about having been before the Cherokee Council, did you? A I don't believe I did.
- Q You never claimed in 1896 that you had been previously admitted by the Cherokee Council? A Yes sir, I did; I told them that I made application and Thompson looked after it for me, but I never got no hearing from it.
- Q You didn't tell them that you had been admitted then did you? A Well I didn't know, you know the Chief was to let him sign it and he was to let me know.
- Q You never knew he signed your bill? A No sir, I don't.
- Q And you don't know the year? A No sir, I don't.
- Q Don't you know that I was before that Fern-Clifton Commission in 1896 and don't you know that you never said anything at all about having been readmitted by the Council? A Well I did tell Davenport now.

- Q That is the man you told about it? A Yes sir, and I think I told Hooley Bell too because I was before them.
- Q Now I am talking about, not before the Dawes Commission, but the Kern-Clifton Commission, five or six years before that; you ever said anything to the Kern-Clifton Commission about having been admitted, did you? A Yes sir, I did.
- Q You swear that, do you? A Yes sir, I swear I told them; I never got any hearing from them.
- Q You never introduced any certificate? A No sir, couldn't when I didn't have none.

(Witness excused).

ON BEHALF OF THE COMMISSIONER:

The records of this office fail to show that any application has been made for the enrollment of Dick Holt or Dick Downing as a citizen of the Cherokee nation.

LINCOLN ENGLAND, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of applicants, through Official Interpreter, William P. Drew:

BY MR. PATTEN:

- Q State your name? A Lincoln England.
- Q How old are you? A 58 going on 59.
- Q What is your postoffice? A Baren, Indian Territory.
- Q About 1893 did you hold any official position in the Cherokee nation? A Yes sir, I was a Councilman.
- Q Was that in the Cherokee Legislature? A Yes sir.
- Q Well while you were a Councilman there were you a member of any committee at any time? A I was one of the standing committeemen.
- Q You are a Cherokee by blood, are you? A Yes sir, I am.
- Q Do you remember whether or not while you were a member of that standing committee, whether or not there was any matter about the application for a freedman for readmission up before you as a member of that committee? A Yes, the matter of the application came up during that time, and the reason I remember was while at the same time when this matter was discussed there was a negro lady came in during that time; that is why I remember so well.
- Q Did she have anything to say about it or was she the party, herself, do you know? A I think they called her up as a witness in that matter.
- Q Well was it the matter you are talking about it was it a freedman that they were discussing about readmitting not a Cherokee? A Yes sir, it was a freedman.

Q Do you know what was done with it, do you know whether she was ever readmitted or admitted? A I don't know anything how it came out, whether it was rejected or readmitted.

BY MR. HASTINGS:

Q You don't have no recollection about it, what was done with it?
A No sir.

(Witness excused).

LEVI GRITTS, being first duly sworn by E. P. Rasmus, a Notary Public, testified as follows on behalf of applicant:

BY MR. PATTEN:

Q State your name? A Levi Gritts.
Q How old are you? A 32.
Q What is your postoffice? A Tahlequah, Indian Territory.
Q Are you acquainted with the applicant, or do you know her when you see her, Sallie Miller? A Well couldn't say; I know her name, I know the circumstances when she was before the committee.
Q Do you know her face? A Yes sir, I know her face.
Q On or about 1893, the latter part of that year, did you hold any ~~official~~ office in relation to the Cherokee Legislature at that time? A I was an interpreter; I couldn't remember what year it was; before the citizenship committee when Rev. Dobson was the Chairman of the Committee and W. A. Thompson was Clerk.
Q Was that a committee on citizenship or to which such matters were referred? A Yes sir.
Q Now you say you were interpreter for that committee? A Yes sir.
Q Well while you were interpreter for that committee of which Mr. Dobson was a member and Will Thompson was Clerk, during that time, do you remember whether or not there was any matter of an application by a freedman for readmission up before that committee, do you remember anything about that? A Yes sir.
Q Do you remember any of the other members of that committee? A Well I remember Dobson, Lincoln W. England, and a fellow named Fields from Delaware District; they are the only ones I remember.
Q Do you know whether or not any examination was gone into before that committee in regard to that matter; whether any questions were asked as to the time they returned? A Yes sir.
Q Do you know who that freedman was? A No sir, I don't know the name at all.
Q Well what you, --would you know her if you saw her? A Yes, what occurred in there about the application was considered was the reason why I remember this case; I couldn't remember all the cases there before that citizenship committee.

Q Well how do you remember this case? A Well Stick Ross was very interested in the case and he did most of the talking before the committee, and the committee was opposed to her readmission, so finally Stick succeeded in getting her to go before the committee so she was admitted to the committee room, and the fellows that spoke English asked her questions, and finally after they got through Mr. England then desire to ask her some questions and he called upon me to interpret for him and when he asked the question she spoke up in Cherokee and says I can tell you, and the committee agreed then to let her do the talking herself and so after she got through the talking she went on out and my recollection was that the committee was convinced that she ought to be readmitted and in the course of time, after this Stick Ross came into the ~~xxxx~~ room and when he came in,-----

MR. HASTINGS:

Now I want to object to anything he might have said for the reason that Stick Ross is present and is a witness himself; if you are about to relate anything Stick Ross should have said.

A I am just going to show how I remember her.

MR. HASTINGS:

If you are going to relate anything what he said I am going to object to it.

ON BEHALF OF THE COMMISSIONER:

Just go ahead.

A So he says when he came in, he kinder bragged on what he could do and she thanked him for his assistance and he says that is all right, and she asked him how much she owed him for his services and Stick said nothing, you might kiss me, and this is how come me to know this woman. And sometime afterwards I came along by the Capitol there she stopped me and asked me about her citizenship and I says I don't know but if I recollect I thought you were readmitted when you went through the committee room and then afterwards I met her twice and about a year ago I seen her at Vinita and I told her, I didn't know but my recollection was she was readmitted; I had never seen her before, that was the first time I ever saw her

Q Now is this applicant, Gallie Miller, here the woman about whom you are testifying? A Yes, this is the woman; all I knew this is her face.

Q Irregardless of her name, is that the woman? A Yes, this is the woman that came into that committee room.

BY MR. HASTINGS:

- Q You didn't remember her name? A No sir, I don't.
- Q Did she give her name there then? A Yes sir.
- Q Did she have some witnesses? A She had some witnesses, but I don't know who they were.
- Q She applied as a freedman? A That was my understanding, yes sir.
- Q Do you know who introduced her bill into the lower house? A No sir.
- Q It was introduced there, however? A I don't know that.
- Q Well you don't know of your own knowledge what report was made back by the committee? A No sir.
- Q You don't know that it was reported then? A No sir, I don't.
- Q You don't know that any bill was ever passed? A No sir.
- Q You don't know her name? A No sir.
- Q You didn't know then? A Well, I knew at the time when her name was mentioned, but I had never seen her before.
- Q You don't know what year it was? A No sir; all I remember was just the circumstance occurred just as I mentioned awhile ago.
- Q Now Stick Ross swore positively it was the second year of his term, are you prepared to dispute that? A No sir.
- Q Well was it on the second year of Stick Ross's term? A I don't know.
- Q You don't know what year that was in this circumstance you are talking about? A No sir.
- Q Where did you come from today? A Came from Tahlequah.
- Q Did you go up after Lincoln England? A Yes sir, I went up with Mr. Patten.
- Q When? A Last Monday.
- Q When did you return from up there? A I came back Monday evening to Tahlequah and waited until today.
- Q You went to see this Lincoln England Monday? A Yes sir.
- Q And came back Monday evening? A Yes sir.
- Q Did you go with him to see any other witnesses? A No sir, he is the only one that we went to see.
- Q You don't remember then what year you were interpreter for the committee? A No sir.
- Q You really don't know what evidence, if any, was taken before the committee? A No sir.
- Q You don't know whether it was a separate bill or an amendment or what? A No sir.
- Q Then you don't know that any action at all was taken? A No sir, I don't know at all, only it was favorable by the committee after she talked Cherokee, and they said she was all right.
- Q Did it ever occur to you that because a person talked Cherokee that that was not sufficient to show that they were here in 1866? A No sir, it was all new to me.

(Witness excused).

MR. PATTEN:

The Attorneys for applicants respectfully announce that under the list of witnesses submitted by them in this case that they have introduced all of the witnesses who they desire to introduce with the exception of John Sharp, whose testimony we respectfully ask be taken under a motion heretofore made in regard thereto at a future date fixed by the Commissioner and agreed to by the Attorney for the Cherokee nation, and with the exception of rebuttal testimony.

MARY E. BRICE, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of the Cherokee nation:

BY MR. HASTINGS:

- Q State your name? A Mary E. Brice.
Q How old are you? A 40 years old.
Q What is your postoffice? A Vinita, Indian Territory.
Q What was your maiden name? A Mary E. Eaton.
Q Are you a Cherokee by blood? A Yes sir/
Q Where were you born? A I was born in California.
Q When did you come to this country? A November, 1871.
Q Do you know whether you were readmitted to citizenship at that time? A Yes sir, my mother, her and her family.
Q Do you know whether or not your name appears upon the 1880 Authenticated roll? A Yes sir.
Q Have you been married? A Yes sir.
Q What was your first husband's name? A Butler was my first husband's name.
Q Is he living? A No sir, he is dead.
Q When did he die? A He died in 1884.
Q Were you married since then? A Yes sir/
Q What time? A 1886.
Q What was your second husband's name? A Charles H. Miller.
Q Where were you living in 1886 when you were married the second time? A In Kansas.
Q How long did you continue to live in Kansas? A Three years, the longest and come back here.
Q When did you get back from Kansas? A Come back in 1888.
Q How long did you remain here then? A 18 months.
Q And then did you return to Kansas? A Yes sir, I went back.
Q Then when did you return the last time? A I was here in the fall of 1889.
Q I mean the last time? A I come back in 1892 to stay.
Q Do you know whether or not you made application for readmission to citizenship after you came back the last time to the Cherokee nation? A Yes sir.
Q Through whom did you make it? A Henry Drew, of Vinita.
Q Make it to the National Council? A Yes sir.
Q What was your name in 1892? A Mary E. Miller.

- Q Did you have some children at that time? A Yes sir.
 Q How many children had you then? A Three.
 Q What were their names? A Guy E. Miller, Berley M. Miller and
 Mattie L. Miller.
 Q Do you know what became of your application? A No sir, I don't.
 Q I mean the application you made to the Council to be readmitted
 in 1893? A Henry Drew ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ never
 turned it over to me at all.
 Q Well did you hear what action the Council took? A Yes sir,
 I heard they had admitted me back to citizenship; that I was
 all right.
 Q You are a Cherokee by blood? A Yes sir/

BY MR. PATTEN:

- Q You say your maiden name was Patten? A Yes sir.
 Q What was your first husband's name? A Butler.
 Q When did you marry him? A In 1882.
 Q Well what was he, a Cherokee or white man? A He was a white
 man, United States citizen.
 Q Did he live in the Cherokee Nation with you? A Yes sir.
 Q Where did you live with him? A Lived here near Vinita.
 Q Well when did he die? A Died in 1883.
 Q When did you get married again? A 1886.
 Q Who did you marry that time? A Charles H. Miller.
 Q Was he a white man or Cherokee or freedman? A He was an United
 States citizen.
 Q He wasn't a citizen of the Cherokee Nation? A No sir.
 Q Was he a white man? A He sir, he was a colored man; my second
 husband was, but then he was a United States man; he was no cit-
 izen here.
 Q He was a negro? A Yes sir, had no right here at all.
 Q Was your first hus and a white man or negro? A White man.
 Q Second husband a negro? A Yes sir.
 Q You are married again? A Yes sir.
 Q To Mr. Brice? A Yes sir.
 Q Is he a white man or negro? A He is a negro.
 Q And you are a Cherokee by blood? A Yes sir.
 Q You say you were readmitted what time by the Cherokee Council?
 A 1893.
 Q Who attended to that for you? A Henry Drew.
 Q Where was he, at Vinita? A Yes sir.
 Q What was he doing up there? A He was the Clerk of the City at
 that time.
 Q Well how did you happen to get Henry Drew, what did he have to do
 with it? A Nothing at all only he, ---, thought I had to be
 readmitted I would get him to attend to it as I was a triple at
 the time and I had a little baby; I thought I would get him
 to see to it.
 Q You didn't go to Tahlequah? A No sir.
 Q Your name at that time was Mary E. Miller, was it? A Yes sir.
 Q You were the mother of Idella J. Miller? A Yes sir.

- Q Examine that signature and say whether or not that is yours to that birth affidavit? A Yes sir, that is mine.
- Q On September 20, 1900, at Vinita, you gave some testimony in your own case didn't you, as a witness, in the matter of the application for the enrollment of yourself and five of your children as citizens of the Cherokee Nation, didn't you testify in regard to that matter at Vinita in 1900? A No sir.
- Q That is when you made your application as a citizen before the Dawes Commission? A Yes sir.
- Q Were you not asked the question, "What is your name," didn't you answer, "Mary E. Miller?" A Yes sir.
- Q In signing the birth affidavit as to the time of the birth of your child, Idella J. Miller, didn't you sign your name as Mary E. Miller? A Yes sir.
- Q Then you are the same Mary E. Miller are you, who testified in behalf of your own application, and that of your children at Vinita, in 1900? A Yes sir, I am the one.
- Q You didn't go to Tahlequah yourself? A No sir.
- Q Did you ever receive any notice from the Legislature, the Chief or any of his representatives that you were readmitted? A No sir, only through Henry Drew; he said he had word that I was readmitted.
- Q That is all you know then about whether you were readmitted as is what Henry Drew told you? A Yes sir.
- Q You were never there yourself? A No sir, not on that.
- Q Did you participate in the distribution of the funds that were realized from the Cherokee Strip in 1894? A Yes sir.
- Q Now this was about the year before that was it? A Yes sir.
- Q Well wasn't that the reason that you were getting this matter fixed up in order to get your strip money? A Yes sir, I wanted to have everything straight so I could be enrolled.
- Q Then wasn't that the matter in which Henry Drew represented you in getting matters shaped up, that you might come in under and draw the strip money? A Yes sir.
- Q That is the purpose for which he represented you? A Certainly.
- Q To get that strip money? A Yes sir, so I could get back as a witness.
- Q Then after Henry Drew had represented you, you got your strip money didn't you? A Yes sir.
- Q You say you are a citizen by blood of the Cherokee Nation? A Yes sir.
- Q Your present husband a negro? A Yes sir.
- Q Who first came to see you about being a witness in this case? A W. F. Bell.
- Q L. B. Bell? A Yes sir.
- Q Any one else? A No sir.
- Q He bring you down here? A Yes sir.
- Q You came with him did you? A Yes sir.
- Q When did Roland come to see you about it? A He came this morning to see if I was ready.
- Q He came down with you? A Yes sir, we came together.
- Q Been with you most of the time since you have been here? A Yes sir.

- Q Roland Ave, a negro? A Yes sir.
- Q Have you always represented your name while it was Miller, to be Mary E. Miller? A Yes sir.
- Q That is the way you have been enrolled is it? A Yes sir.
- Q Have you received your allotment of land? A Yes sir.
- Q Do you know how your certificates were made out to you? A Yes sir.
- Q How? A Mary E. Miller.
- Q There has always been an E in your name? A Yes sir, I have the papers right with me.
- Q Lets see them? (witness hands deed to Attorney).
- Q In this deed made by the Cherokee Nation to you for your allotment of land, please examine it and state how your name is written there as allottee? A It is written Mary E. Miller.
- Q Then your name appears in your allotment deed from the Cherokee Nation for your allotment of land, and in your applications and in the affidavit as to the birth of your children, you have always stated your name as Mary E. Miller? A Yes sir.
- Q What did Roland have to say to you about this case? A Didn't say much of anything; I didn't feel like talking to nobody.
- Q You discussed it with him? A No sir.
- Q You say you were never at Tahlequah in regard to that matter? A No sir.
- Q Were you ever in Tahlequah? A Yes sir, I went there to file.
- Q You lived in Vinita? A Yes sir.
- Q What year was that that you had Henry Drew represent you in some citizenship matters? A In '93.
- Q How do you know it was 1893? A That was the year I came here.
- Q Well you say that the matter in which Henry Drew represented you was in order for you to get your strip money? A Yes sir.
- Q You never received any notice from the Council yourself about being readmitted, did you? A No sir.
- Q When you made your formal application before the Dawes Commission in 1900 at Vinita for citizenship you didn't introduce at that time any certificate or certified copy of a bill or anything like that as to being readmitted, did you? A No sir.

ON BEHALF OF THE COMMISSIONER:

- Q You have stated that your name is on the roll of 1880 have you? A Yes sir.
- Q Why did you think it was necessary to make an application for readmission? A Because the law required that you should be readmitted if you had been out a certain time and I didn't want any trouble at all, so I wanted to be straight.
- Q Before that had you lived outside of the Cherokee Nation, before 1893? A Yes sir.
- Q How long did you live outside of the Nation at any one time before that? A Three years.
- Q And it was on account of your thinking that you had lived out so long that you had to be readmitted? A Yes sir.

(Witness excused).

GEORGE W. MAYES, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee nation:

BY MR. HASTINGS:

- Q What is your name? A George W. Mayes.
- Q How old are you? A 58.
- Q What is your postoffice? A Pryor Creek, Indian Territory.
- Q Were you a member of the Cherokee Senate in 1893? A Yes sir.
- Q Do you know this woman who now goes by the name of Mary E. Brice, who just left the stand? A Yes sir, I knew her.
- Q How long have you known her? A I have known her ever since 1872 or '73, somewhere along there.
- Q How far did she live from you? A About a mile at that time.
- Q Was she a recognized Cherokee citizen then? A Yes sir.
- Q What was her maiden name? A Eaton.
- Q Did she ever afterwards marry? A Yes sir, she married a man by the name of Miller.
- Q Do you remember whether she married a white man before that? A No sir, I don't remember about her marrying a white man.
- Q What about the circumstance of her marrying Miller? What race was he? A He was a negro.
- Q Did she continue to live in that neighborhood after she married this negro? A No sir, I don't think she did; after she became of age she left that neighborhood and went up about Winita somewhere.
- Q Do you know whether they moved out of the country or not? A I don't know but I heard she did.
- Q But you had known her there right by you? A Yes sir.
- Q Do you know about any application being made for her admission or readmission to citizenship while you were a member of the Cherokee Senate? A Yes sir.
- Q When was that? A In 1893.
- Q Do you know anything about the circumstance of it? A Well I was a member of the Senate and I got a letter from her; there was a bill pending then, several cases, I don't know how many and I got a line from her just before the bill got ready to be acted on asking me to have her readmitted, and I got the floor and got up and made an explanation before the Senate and I gave the name to Mark Benge, he was Chairman of the Citizenship Committee of the Senate; I gave her name to him and asked him to place it in that bill as an amendment.
- Q Is that the same person that just left the stand? A Yes sir.
- Q Do you know whether that amendment was adopted? A Yes sir.
- Q Do you remember of having any talk or correspondence with Henry Drew with reference to this woman? A Henry Drew wrote this letter; it was his hand writing so he told me, but her name was signed to the letter.
- Q Asking you to have her readmitted? A Yes sir, and when I went to Winita afterwards he asked me about it and I told him she was readmitted.

- Q You had her readmitted on your own personal knowledge? A Yes sir, I got up and made a statement before the Senate in regard to her citizenship.
- Q It was upon your statement? A Yes sir.
- Q And you know that it was this identical person? A Yes sir.
- Q Was it represented to you that she had been out of the country, the reason she wanted to be readmitted? A Yes sir, I knew she had been out and knew she came back; - had been to Vinita and heard all about it.

BY MR. PATTEN:

- Q What were you doing in 1890? A I couldn't tell you all I was doing.
- Q Were you farming? A Yes sir.
- Q Or in politics? A I was in politics too.
- Q When were you elected? A In 1893.
- Q What time? A In August.
- Q Member of which house now? A A member of the Cherokee Senate.
- Q You say you had known this woman before that? A Yes sir, I had known her since she was a girl; knew her father and mother.
- Q You say you got a letter from Henry Drew? A Well her name was signed to the letter, but Henry Drew had written the letter; he told me he did; and he asked me if I got it and if this woman had been placed on the roll sometime after that when I went to Vinita.
- Q And that was in 1893 you got her readmitted? A Yes sir.
- Q Sure of that? A Yes sir.
- Q How do you know it was the same woman? A The reason because I had seen her afterwards and had a time with her.
- Q She wasn't there in person? A No sir.
- Q How long before that was it the last time you had seen her? A It was a month or two.
- Q Before that? A It might have been two or three years, I couldn't tell you; I saw her all the time from the time she was a girl - up until she was grown.
- Q She just wrote you a letter and you got her readmitted? A Yes sir.
- Q Well how long were you a member of the Senate? A Two years.
- Q Of course while you were there you never readmitted any freedmen? A No sir.
- Q Ever have any before you? A No sir.
- Q Were you ever on any committee; you were not a member of the standing committee on citizenship were you? A No sir, I don't think I was; no sir I was not.
- Q Well in 1893 did you ever have any freedmen there? A Well now we had what we called the Reviewing Committee, the purpose of which was to review the rolls for the Strip payment; that is all the committee I was on.
- Q I mean in 1893 did any freedmen apply down there? A No sir, I never seen any.
- Q Were any ever readmitted or not? A No sir, I knew there was not any.

- Q How do you know it? A I was a member of the Council and if they had made an application, I didn't know it.
- Q Didn't make any application? A No sir, not as I knew of.
- Q Did any negro ever apply as a freedman for readmission, representing themselves to be a freedman? A They might have done it; I wouldn't swear that they did or didn't.
- Q Were any admitted? A No sir, I don't think there was.
- Q Isn't it a fact that you are pretty positive for the reason that the practice of readmitting a freedman to citizenship was something that was seldom, if ever, indulged in by the Cherokee Legislature? A Well no I don't remember of any ever being before the Council at all while I was a member.
- Q Wasn't it contrary to the practice and contrary to the rules you might say of that Cherokee Legislature to admit a freedman? A Yes sir.
- Q It is a thing that rarely ever happened? A Well I don't know as it ever did.
- Q If they did admit a freedman, readmit one, I mean to citizenship, it was an ~~unusual~~ unusual thing, wasn't it? A Yes sir.
- Q Something that you don't remember? A Yes sir.
- Q And if they ever did readmit any they didn't readmit enough of them, not over one or two, in such a small number, or so few that you don't know it out of a large number? A Well I think I would; everybody that was readmitted was readmitted as a Cherokee; there never was while I was there any case come up for negroes to be readmitted.
- Q Do you want to swear that while you were there there was never a case of any negroes to be readmitted? A Yes sir, I will swear that.
- Q How do you know it? A Because they didn't readmit negroes.
- Q That is the way you know it? A Yes sir, and I was a member of the Council. There never was none while I was a member.
- Q Readmitted? A Yes sir.
- Q You know that? A Yes sir.
- Q You were a member two years? A Yes sir.
- Q Well you were in attendance attending to your duties all the time those two years? A I was there most every day; I might have been absent a day or two; whenever a fight of that kind come up I was down there generally to vote on it.
- Q Were you there all the time? A No sir, I couldn't say I was there every day.
- Q Well do you know what transpired while you were away? A Well I know it.
- Q And you know it because you know a Cherokee Legislature would not readmit a negro? A That is one reason I know it.
- Q Isn't it a fact that that is the way you know it; and that is the way you are attempting to swear it? A No sir, I swear what I knew, that they didn't readmit negroes.
- Q That is the reason you are swearing they didn't readmit negroes because they didn't readmit any negroes at all? A Yes sir.
- Q That is the reason they didn't readmit this applicant here? A She might have been readmitted I don't know.

- Q Didn't you testify they didn't readmit any? A She might have claimed to be a Cherokee then.
- Q I mean as a freedman? A Not as I know of.
- Q You are pretty certain they didn't? A I am pretty certain they didn't.
- Q You are willing to swear it? A Yes sir.

BY MR. HASTINGS:

- Q It would have been an exceptionally unusual thing to readmit negroes? A Yes sir.
- Q And you would have remembered that? A Yes sir.
- Q Do you know whether this woman is some kin to that man Drew that wrote this letter? A No sir, I don't think she is any relation to Drew.

ON BEHALF OF THE COMMISSIONER:

- Q While you were a member of the Council during your term of office were any exceptions that you know of made to the Council for the admission or readmission of freedmen? A No sir, none as I know of.

BY MR. PATTEN:

- Q Then you don't know of any applications being made? A No sir.
- Q Are you willing to swear that were not made? A Well they might have been made while I wasn't in there; I don't know of any; I will swear I don't know of any.
- Q Who was this fellow Drew; what was he doing about 1893? A He was just a good citizen of Vinita.
- Q Did he hold any position or office? A I don't know as he did at that time, he had been Deputy Clerk there, and Clerk of the town.
- Q Is he alive now? A Yes sir.
- Q Here as a witness? A No sir, I don't think he is.
- Q Where does he live? A In Vinita.

ON BEHALF OF THIS COMMISSIONER:

- Q This woman that was just on the stand, Mary E. Miller, why did she ask to be readmitted? A Well she had been out of the country and under our laws she had to be readmitted; whenever any citizen went out of the country and came back here that was gone a couple of years and came back had to ask for readmission of the Council; and we were going to have a payment at that time and she wanted to draw her part of the money.

- Q And unless they were readmitted, did the nation recognize them as citizens, those who had gone away and stayed? A Two years they had to ask the Council to be readmitted.
- Q Unless they did, did the nation recognize them as citizens? A No sir.

BY MR. PATTEN:

- Q Have you ever been arrested? A No sir.
- (Witness excused).

G. W. BERGE, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee nation:

BY MR. HASTINGS:

- Q What is your name? A G. W. Benge.
- Q How old are you? A 54.
- Q What is your postoffice? A Tahlequah, Indian Territory.
- Q Were you a member of the Cherokee Senate in 1893? A Yes sir.
- Q When were you elected to that term? A Well as well as I remember in 1891, I guess it was, or 1893 I forget which.
- Q Don't you know how long a term in the senate is? A Yes sir, two years.
- Q Do you know whether it is the off year or even year? A Off year.
- Q Then if you were elected in 1891 you would have only had 1891 and 1892 to serve? A Yes sir.
- Q Now after refreshing yourself do you know when you were elected? A In 1893.
- Q Well were you a member of the Senate in 1893 and also 1894? A Yes sir.
- Q Was Stick Ross a member of the lower house at that time? A I don't remember about that; I would not be certain about that.
- Q Now while you were a member of that Senate in 1893 did you know of any Cherokee freedmen at all being admitted to citizenship in the Cherokee nation? A No sir.
- Q Did you ever hear of such a thing as a Cherokee freedman being admitted or readmitted as a Cherokee freedman in the Cherokee national Council? A No sir.

BY MR. PATTEN:

- Q When were you elected, in 1891? A 1893.
- Q Now which was it Mr. Benge, was it 1891 or 1893? A 1893.

- Q Are you certain? A Yes sir.
- Q Sure of that? A Sure of that now.
- Q Well what makes you sure it was 1893 instead of 1891? A Because I had just been elected in the August election and at the first session of the National Council and during the session of that Congress convening in December following why myself and two or three others were appointed to go to Washington to attend to certain business for the Cherokee Nation; specially appointed by the National Council.
- Q What time in December did you go? A I didn't go in December, I went I think it was in February.
- Q What year? A February the following February.
- Q What year? A 1894.
- Q Was that after you were elected? A Yes sir.
- Q Well how does that help you to remember it was 1893 you were elected instead of 1891? A Because I had to go to Washington on this special business immediately after I was elected; and the business up there at Washington was such that I didn't represent in a legal capacity but I was sent there in a special capacity by the people.
- Q Well what had that to do with the year? A Simply because I went in the interim between the two sessions and the very next session brought about a consummation of the business I went for, and I had the business the next year in the Senate.
- Q How do you know that was 1893 or 1894 instead of 1891 or 1892? A Our election laws fix the time for elections and each off year.
- Q I know what I am getting at, but are you sure it was 1891 or 1893, how do you come at it, it was one or the other of those years? A Because, I was only in the Senate at that time for two years.
- Q The time in 1893 then you say you don't remember of any freedmen being readmitted? A No sir, I don't; I don't ever remember a case of an application at that time before the Council.
- Q Mr. Penge wouldn't it have been a very unusual thing for that Cherokee Legislature to readmit a freedman to citizenship in the Cherokee Nation? A Unusual thing?
- Q Yes sir, a thing rarely, if ever, did happen? A I think so.
- Q You don't ~~think~~ remember of any of them ever having been readmitted? A No sir, and I don't think, so far as my knowledge goes; I have been in the Senate twice, served four years subsequent to that time and I don't remember ever of a Cherokee freedman making application for admission or readmission directly before the Council; because we always had established Courts for that particular purpose.
- Q You don't only remember of any being readmitted but you don't remember of any ever applying? A No sir, I don't.
- Q You don't know of any that even made an application for readmission? A I don't know of any; of course that matter usually went to the Committee; we had committees just like any other form of Government; and we had committees for particular classes of business, and I didn't serve on that Committee and if there was any applications made to that committee I don't remember of ever a report coming to the Senate for the readmission or admission of freedmen.

- Q You don't remember of any such reports? A No sir, wherein a freedman was directly an applicant you know.
- Q Well suppose a freedman had applied for readmission as a citizen of the Cherokee Nation and the standing committee on citizenship had recommended them for readmission to citizenship and attached it on as an amendment to the bill not stating whether they were freedmen or Cherokees by blood, would you know from reading the bill whether they were a freedman or a Cherokee? A I might not have known it but I wasn't the rule.
- Q You know that it wasn't the rule? A It wasn't the rule because if it had been the case, it would have surely been stated in the report and the minutes should show whether it was a negro or Indian.
- Q Now when they readmitted Cherokees by blood to all the rights of Cherokee citizens, did the bills designate that they were Cherokees by blood so that the bill would show the itself that they were not freedmen? A Not necessarily because under the Constitution of the Cherokee Nation which was in operation long before the freedmen was ever brought in that country that law was in operation and it had direct reference to Indians of Cherokee blood only and none but that class of cases were supposed to be handled by the Cherokee Council. Usually citizenship cases we always provided Courts or Commissions to try and here those cases.
- Q Then under the practice that had always been indulged in by the Cherokee Legislature they would not readmit any one only Cherokees by blood? A Sure who had once lived in the country and left, according to the terms of the Constitution they had to be readmitted.
- Q And for that reason in some of the bills it wasn't necessary to specifically designate that they were being readmitted as Cherokees by blood? A I would simply take it for granted that the Senator that had charge of the matter would attend to his duty and would report it to the Senate.
- Q As a matter of fact that standing committee on citizenship wasn't supposed to readmit any one but Cherokees by blood? A They might readmit a white man or any other citizen as far as that is concerned if he had once been a citizen and went out of the country.
- Q Another way of putting it they were not supposed to readmit a freedman? A I don't know what the supposition was, but according to the terms of the Constitution relative to such matters I base my statement on it.
- Q Well if a freedman had been recommended for readmission by that standing committee on citizenship and they had been included in that bill making no distinction whatever as to whether or not they were negroes or Cherokees by blood, if it had just put their names in there the same as they did the ones that were in the bill, now you as a member of that Senate, if that bill had come up before you and you had read it, are you prepared to say that the name of any particular party in there with whom you were not acquainted, that that name wasn't the name of a negro?

A No sir, I couldn't say that, if the committee so reported it as you state it; if they vouched for the name in making their report as the case of readmission under the Cherokee Constitution, without any light thrown on the matter to the contrary, why of course I would not know.

Q You would not have been in the committee room? A No sir.

Q You were attending to your duties as a Senator there? A Yes sir.

BY MR. HASTINGS:

Q But when one of these bills came up before you voted on it there was always a report from the committee and always some explanation made by the parties sought to be readmitted? A Yes sir.

Q And if there had been a negro I will ask you if that would not have been such an unusual thing to attract yourself and other members of the Senate? A Yes sir, sure; but just as I said if the committee was so disposed to keep the matter somewhat away from the rest of the Senate, I might vote upon it and not know it.

Q But there was always an explanation made? A Yes sir, at my time there was generally always an explanation made.

Q And you never heard of any such case? A No sir.

BY MR. PATTEN:

Q Did you ever know this applicant here, Gallie Miller? A I don't know her.

Q Do you know Mary Miller? A Why, I knew of a Miller going through about the time but personally I wasn't acquainted with her.

Q Was she present when she went through or do you know about that? A Well I don't remember that circumstance that whether she was or not.

Q Well when they applied for readmission was it necessary for them to apply in person? A It was not necessary.

Q You say you knew of a Mary Miller going through? A I would not be positive as to the name at this time; after I was summoned I remember a Miller going through and I don't remember two or three other women, and I knew there was another woman went through but whether it was that particular session of the Council I disremember, for as soon as I was summoned up here in this case the names of those particular people began to revolve in my mind and I couldn't place which was it.

Q You don't know whether they were present or not, do you? A No sir, I don't.

(Witness excused).

T. W. FOREMAN, being first duly sworn by B. P. Rasmus, a notary public, testified as follows on behalf of Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A T. W. Foreman.
Q How old are you? A 46.
Q What is your postoffice? A Tahlequah, Indian Territory.
Q How long have you lived in and about Tahlequah? A All my life.
Q Do you know Stick Ross who has been a witness here upon the stand, a colored man? A I do.
Q How long have you known him? A Ever since I was a boy.
Q Do you know his reputation for truth and veracity in the community around Tahlequah in which he lives? A Yes sir.
Q Is it good or bad? A Bad.
Q Would you believe him under oath? A I would not.
Q Do you know Levi Gritts? A I do.
Q How long have you known him? A Some 20 or 25 years.
Q Do you know his reputation for truth and veracity in the community in which he lives? A Yes sir.
Q Is that good or bad? A It is pretty bad.

BY MR. PATTEN:

- Q Would you believe him under oath? A No sir.
Q You are a Cherokee by blood? A Yes sir, I am.

(Witness excused).

SUAKKE L. MILLER, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A Suake L. Miller.
Q How old are you? A 37.
Q What is your postoffice? A Tahlequah, Indian Territory.
Q How long has Tahlequah been your postoffice? A All my life.
Q Do you know Stick Ross who has testified here today, a freed-man? A Yes sir.
Q How long have you known him? A Practically all my life.
Q Do you know his reputation in the community in which he lives for truth and veracity? A I do.
Q Is it good or bad? A Pretty bad.
Q Would you believe him under oath? A I would not.
Q Do you know Levi Gritts who has testified here today? A I do, I have known him all my life.

- Q Do you know his reputation for truth and veracity? A I do.
 Q Is it good or bad? A Bad.
 Q You have lived in the vicinity of Tahlequah all your life? A Yes sir.

BY MR. PATTEN:

- Q What did you say your name was? A Snake L. Miller.
 Q You say you would not believe Stick Ross under oath? A No sir.
 Q Are you a Cherokee by blood? A I am.
 Q What is the matter why wouldn't you believe Stick? A Because I have known him a long time and know his reputation.
 Q Did you ever have any business dealings with him? A No sir, no business dealings, he had to come to my father-in-law for lumber there.
 Q He owes you a bill doesn't he? A An old bill, of course this was in 1893, somewhere along there.
 Q Whenever has paid it yet? A No sir, and we run a store down there and he had an account we couldn't get.
 Q Does he owe you any more? A Yes sir.
 Q You are kinder sore at him because he would not pay those bills? A No sir, I am just telling what I know.
 Q What did you ever hear around there say they would not believe him under oath? A All the good people of Tahlequah.
 Q Who are some of them? A The Merchants, business people there.
 Q I wonder if he owes them anything, do you know? A I didn't go that far to inquire.

(Witness excused).

JOSEPH WOODARD, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee nation:

BY MR. HASTINGS:

- Q What is your name? A Joseph Woodard.
 Q How old are you? A 58.
 Q What is your postoffice? A Tahlequah, Indian Territory.
 Q Do you know Sitko Ross? A Yes sir.
 Q A man who testified here today? A Yes sir.
 Q How long have you known him? A About 20 years.
 Q Do you know his reputation for truth and veracity over there in the community in which he lives? A Yes sir.
 Q Is that reputation good or bad? A Bad.
 Q Do you know Levi Grist? A Yes sir.
 Q Do you know his reputation for truth and veracity? A Yes sir.
 Q Is that good or bad? A Bad.

BY MR. PATTEN:

- Q Did youknever have any business dealings with either of these men? A I didn't have much business with them.
- Q Did you ever have any business dealings with Stick Ross? A Yes sir, one time I sold him a hound.
- Q Did he pay you for it? A No sir
- Q Did you ever sell him anything else he didn,t pay you for? A No sir.
- Q Did you ever have any business dealings with Levi Gritts? A No sir
- Q Did he ever beat you to a good deal on a land preposition or anything like that? A Yes sir, he did one time.
- Q What was that about? A Why I was leasing my land for oil purposes.
- Q He got the best of you on the deal did he? A Yes sir.
- Q You are sore about it yet aren,t you? A Yes sir/

(Witness excused).

T. W. FOREMAN RECALLED:

BY MR. PATTEN:

- Q Did you ever have any business dealings with Stick Ross or Levi Gritts? A No sir, I don,t believe I ever did.
- Q What business are you in? A I am a printer by trade. Warner te but printing is my trade
- Q Did you ever sell Stick Ross anything or do any business with him in that respect? A No sir, don,t know as I ever did.
- Q Did you everget tangled up with Levi Gritts in any land deals? A No sir.

(Witness excused).

BEN JOHNSON, being first duly sworn by B. P. Rasnus, a Notary Public, testified as follows in behalf of Cherokee nation:

BY MR. HASTINGS:

- Q What is your name? A Ben Johnson.
- Q How old are you? A 53.
- Q What is your postoffice? A Meedy, Indian Territory.
- Q How far is that north of Tahlequah? A Nine miles I believe.
- Q Do you know Stick Ross who has been a witness here today? A Yes sir.

- Q How long have you known him? A Ever since I was a little fellow
Q Do you know his reputation for truth and veracity in the community
in which he lives? A Yes sir.
Q Is that good or bad? A Considered to be bad.
Q Do you know Levi Gritts? A Yes sir.
Q Do you know his reputation? A Yes sir.
Q What is it? A Said to be bad.

BY MR. PATTEN:

- Q What do you know about it yourself? A I don't know anything
only what people said.
Q Do you know his reputation for truth and veracity in the neigh-
borhood in which he lives, in the neighborhood that Stick Ross
lives in? A Yes sir.
Q Are you acquainted in that neighborhood? A I think so, I was
born and raised right there.
Q How far do you live from there? A I suppose it is about 12
miles now; I have moved away from there in the last four years
I reckon.
Q And you know yourself Levi Gritts' reputation? A I answered
that question awhile ago; I said from what other people said.
Q Ever have any business dealings of any kind at all with Stick
Ross? A I don't believe I have.
Q Ever sell him anything? A Used to sell him groceries.
Q Did he ever pay you for them? A He may paid me a little, and
he may owe me a little now, I would have to go to my books.
Q Do you think he does? A I would not be certain about it.
Q Did you ever have any business dealings with Levi Gritts? A Not
that I know of.
Q Ever get mixed up with him in any land deals or anything like
that? A No sir, I am no grafter.
Q Do you know Joe Woodard who was just on the stand? A Yes sir.
Q He is a Cherokee by blood, is he? A Yes sir.
Q You are too, aren't you? A Yes sir.

(Witness excused).

W. W. HASTINGS, being first duly sworn by B. P. Rasmus, a
Notary public, testified as follows on behalf of Cherokee Nation:

(Statement by Mr. Hastings).

My name is W. W. Hastings, I will soon be 40; my postoffice is
Tahlequah. I was one of the Attorneys representing the Cherokee
Nation in the making of the Worn-Clifton roll in 1896, and during
that enrollment we had a synopsis of the testimony taken at that
time made. I have refreshed my memory from looking up the

testimony taken at that time and examined the application and statement made by Sallie Miller, the applicant, and I find that no reference whatever was made at that time to her having claimed that she was readmitted or admitted to citizenship by any authority of the Cherokee National Council at that time or prior thereto.

I desire to state that in contradiction of Stick Ress that our elections are held on the first Monday in August of the odd years, and that we had an election on the first Monday in August of 1893, and that his second year of service would have been in 1894. I want to add also that I know personally George W. Mayes who testified on the stand, was a member of the Senate from Cooweescoowee District during those two years, and that George W. Bengel, who also testified, was a member of the Senate from Tahlequah District.

BY MR. PATTEN:

- Q Who made this synopsis of this testimony that you say you have refreshed your memory with? A I had it made under my direction; it was made at the time the testimony was given; it was usually made by J. M. Keys, but at times he was relieved by Mr. Stephens.
- Q Who was Mr. Stephens, was he in the employ of the Cherokee Nation? A Yes sir, temporarily.
- Q In your best judgment that synopsis was made by Mr. Keys or Mr. Stephens? A My judgment is it was; Mr. Keys however is present and states that is not in his hand writing; I am not able to say but my best judgment is it was made by Mr. Stephens, however it is one of the books that we made at the time and has been in the possession of the Cherokee Authorities since that time.
- Q In what capacity did Mr. Keys act at that time? A As one of the representatives of the Cherokee Nation.
- Q Then that synopsis was made by Mr. Keys or Mr. Stephens, or some one at least in the employ of the Cherokee Nation? A Certainly.
- Q It wasn't a synopsis officially made by the Commission or by the authorities who were hearing the testimony, at that time? A No sir, this was made by us for our benefit.

(Witness excused).

MR. HASTINGS:

Now anticipating that the evidence of John Shary is going to be taken, I have some impeachment witnesses as to him and I desire now to save the expense of the Cherokee Nation, and have them introduced upon the stand in advance.

MR. PATTEN:

I have no objections.

ON BEHALF OF THE COMMISSIONER:

By agreement between the Attorneys for the Cherokee Nation and applicants that the impeaching testimony the Nation has present will be taken at this time and will be made a part of the record in the case only on condition that the testimony of John Sharp is taken in the case.

S. D. MILLER, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A S. L. Miller.
Q What is your age? A 37.
Q What is your postoffice address? A Tahlequah.
Q Do you know John Sharp, being the person now incarcerated in jail charged with the murder of young Powell at Tahlequah? A Yes sir.
Q How long have you known him? A About 20.
Q Do you know his reputation in the community in which he lives for truth and veracity? A Yes sir.
Q Is it good or bad? A The people around Tahlequah there say it is bad.

BY MR. PATTEN:

- Q Who did you ever hear say it was bad? A The people around Tahlequah.
Q Who? A Prexy Wyly was one; I was City marshal and I had more trouble with him than any one there; I arrested him once for running a gambling house; he runed a society joint out there and I had more trouble out there than any other place.

(Witness excused).

T. W. FOREMAN, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A T. W. Foreman.
Q How old are you? A 46.
Q What is your postoffice? A Tahlequah.

- Q Do you know John Sharp, a man that is now in jail charged with the killing of a young Powell a short time ago? A Yes sir.
Q How long have you known him? A About 20 years I reckon, 20.
Q Do you know his reputation for truth and veracity in the community in which he lives? A Yes sir.
Q Is that good or bad? A Bad.

BY MR. PATTEN:

- Q When did it get bad, since he has got into this trouble? A No sir.
Q Before that? A Always been bad so far as I know; I have been right there in Tahlequah and he was connected with our Council.
Q Did you know him when he was connected with the Cherokee legislature? A Yes sir.
Q Was his reputation bad then? A Yes sir.
Q You are the same T. W. Foreman who testified in regard to the reputation of Stick Ross and Levi Gritts? A Yes sir, I am.

(Witness excused).

BEN JOHNSON, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A Ben Johnson.
Q How old are you? A 52.
Q What is your postoffice? A Moody.
Q Do you know John Sharp? A Yes sir.
Q How long have you known him? A Several years.
Q Do you know his reputation for truth and veracity in the community in which he lives? A Yes sir.
Q Is it good or bad? A Bad.

BY MR. PATTEN:

- Q You are the same Cherokee that testified in regard to the reputation of Stick Ross and Levi Gritts, aren't you? A Yes sir.

(Witness excused).

JOSEPH WOODARD, being first duly sworn by B. P. Rasmus, a Notary Public, testified as follows on behalf of Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A Joseph Woodard.
Q How old are you? A 58.
Q What is your postoffice? A Tablequah.
Q Do you know John Sharp who was recently arrested charged with murder? A Yes sir.
Q How long have you known him? A About 12 years I guess.
Q Do you know his reputation for truth and veracity in the community over there? A Yes sir.
Q Is it good or bad? A Bad.

BY MR. PATTEN:

- Q You are the same Joe Woodard that testified in regard to the reputation of Stick Ross and Levi Gritts? A Yes sir.
Q You say tha John Sharp's reputation is bad? A Yes sir.
Q How far have you lived from Tablequah? A About a mile.
Q Well hie is your reputation? A It is good I guess.

(Witness excused).

MR. HASTINGS:

We are ready to close.

ON BEHALF OF THE COMMISSIONER:

Attorneys for applicants have heretofore filed a motion that the testimony of John Sharp, who is confined in the Federal Jail at Vinita, Indian Territory, on a charge of murder, be taken at Vinita, and they were verbally advised by the Commissioner that their request would be granted, and that the testimony of said witness would be taken at Vinita, On December 19, 1906, but owing to the fact that Sharp had been transferred to Ballisawhis testimony was not secured. The request that his testimony be taken at Vinita will be granted and his testimony taken at the earliest practicable date, of which the Attorney for the Cherokee Nation and the applicants will be duly informed.

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Geo. H. Lessley, being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of January, 1907.

Geo. H. Lessley
Chas. E. Kuhn
Notary Public.

Cherokee Freedman D 648 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., DECEMBER 26, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SALLIE MILLER, ET AL., as Cherokee Freedmen.

APPEARANCES:

For Applicants, STARR & PATTEN.

For Cherokee Nation, W. W. HASTINGS.

In compliance with order of the Commissioner of December 20, 1906, the further hearing of this case having been set for this day at Vinita, I. T., for the purpose of taking the testimony of John Sharp, the Attorneys for applicants and the Cherokee Nation being duly notified thereof, the following proceedings were had:

JOHN W. SHARP, being first duly sworn by O. A. Smith, a Notary Public for the Northern District, Indian Territory, testified as follows on behalf of applicants:

BY MR. PATTEN:

- Q State your name? A John W. Sharp.
- Q How old are you? A 53.
- Q What is your postoffice? A Tahlequah, Indian Territory.
- Q You are a citizen of the Cherokee nation by blood? A Yes sir.
- Q In the latter part of 1893 what, if any, official position did you hold in the Cherokee nation? A I was a member of the Council then.
- Q Was that the lower house? A Lower house, yes sir.
- Q While a member of that Council were you ever a committeeman on any committee that investigated citizenship matters? A Yes sir, I was on the committee there in 1893 and 1894.
- Q Who, if you can remember, were other members of that committee? A Old Parson Debson and Sam Fields, as well as I recollect, Link England and Jesse Hair.
- Q Do you know who the official interpreter for that committee was? A I declare I don't remember, I believe though it was Gritts, I want say for certain.

- Q While a member of the lower house of the Cherokee Legislature and a member of that committee was there any application for readmission to citizenship ever made before you? A Yes sir.
- Q By any colored person? A Well there was an old colored woman come there; she talked Cherokee mostly and she was, ---we give her her citizenship.
- Q Do you know what her name was? A I declare I disremember.
- Q Would you know the name if you heard it? A I believe I would.
- Q Was it Sallie Miller? A I believe that is the name.
- Q You say she was a negro? A She looked like she was; she was mixed, colored and talked good Cherokee.
- Q She applied to be readmitted as a citizen of the Cherokee Nation, did she? A Yes sir.
- Q Do you know whether or not that that was a proceeding in which she was admitted was contrary to the ordinary practice of that Legislature? A I don't know, she was admitted there I am satisfied; I know I was opposed to it when I was on the committee at the start and they brought in some evidence and seemed liked those full blood members wanted to admit her and I give in.
- Q Did she talk Cherokee to them? A Yes sir.
- Q Did she introduce any evidence before that committee as to her citizenship rights? A I think she did but it has been so long now I forget how the evidence was; I know she was admitted.
- Q Now is not it a fact that it was an unusual thing for the Cherokee Legislature to ever readmit a freedman, wasn't it? A Well I suppose so.
- Q Do you ever remember of any one other than her ever being readmitted? A That is the only case I knew of.
- Q You do remember she was readmitted, do you? A Yes sir.
- Q Do you know whether she was readmitted in an ordinary bill, an original bill, or whether it was an amendment to the bill, or how the matter came up? A No sir, I disremember, but I know the committee allowed her her rights and it passed the lower house.
- Q You know it passed the lower house? A Yes sir.
- Q From the information you acquired at that time, do you know whether or not that bill or amendment became a law which readmitted her? A I suppose it did; I never heard nothing to the contrary.
- Q You know that it passed that committee, and that it passed the lower house, do you? A Yes sir.
- Q And you know this was a colored woman? A She claimed to be part darkey and part Cherokee.
- Q Well now do you know whether or not that part of the bill wher - in this colored woman, Sallie Miller, was interested, do you know whether or that that was an amendment from the Senate or how it came up? A It has been a long time ago, and I declare I can't say for certain whether it was or not, but I know distinctly well it passed our committee and then it passed the lower house.
- Q You were a member of the lower house? A Yes sir.
- Q Did you take a vote upon it? A Yes sir.
- Q And it passed by a majority vote? A Yes sir.

BY MR. HASTINGS:

- Q Do you remember who introduced her application? A No sir, I don't remember it now.
- Q Do you remember what year it was? A I think it was in 1893.
- Q Do you remember anybody that made an application in 1894? A No sir, I don't; I don't remember.
- Q Do you remember whether that application after it was introduced was referred to your committee or not? A In 1894?
- Q 1893? A Why I remember well that we voted on it and it passed and then it passed the lower house.
- Q Well you don't know then of your own knowledge that it ever became a law? A Well now I think the Senate passed it; I heard them talking about it but of course I wasn't in there.
- Q Well if the Senate passed it they passed it after the lower house it? A Yes sir, it originated in the lower house and went from out committed and then from the, --er through the Council of the lower house first.
- Q Do you remember any other names that were on the committee, I mean any other names as members of her family? A No sir, I don't.
- Q Do you remember whether she had anybody else other than just herself? A No sir, I don't, it has been a long while ago.
- Q Then you don't really remember the name? A I remember this old lady well.
- Q But you don't remember the name? A Well they had a Sherokes name for her, then fellows did, and I forget what that was.
- Q But you don't remember her English name and didn't until Mr. Patten told you? A Well that was her name; what they called her, it come to me but I don't know the balance of the folks name and know nothing about them. I knew I kicked at the time this matter come up myself.
- Q If this woman was admitted there through your Council your minutes would show that? A They ought to.
- Q You kept minutes in the lower house of it? A Yes sir.
- Q And you kept minutes of the committee proceedings? A Yes sir.
- Q And you don't remember who the witnesses were? A No sir, I don't.
- Q You don't remember what aged woman she was? A She looked to be like; --she was a pretty old woman.
- Q How old, about? A Between 50 and 60 years old.
- Q At that time? A Yes sir.
- Q I believe you said you didn't know who her witnesses were? A No sir, I don't know, I disremember who they were.
- Q You don't remember anybody else that applied at the time? A No sir, I don't.
- Q You don't recollect anybody else that applied during that session of Council, do you? A Oh there was a great many claims there, but it has been a long time ago and I forget now.
- Q But I say you don't recollect a one of them? A Lets see, maybe I can study some; yes there was some parties from California, a lady came there and she was readmitted; lived over here in Delaware District and I forget her name now; maybe you know her name she married one of them Walchs that come back here.

- Q You don't recollect her name? A If I could hear it; she was kin to Sam Fields, some of his relations.
- Q Were they admitted by this same bill? A I don't know whether it was the same bill or not, but she was readmitted at that time.
- Q No one else readmitted by this bill except this woman? A No sir, I don't remember anything sure.
- Q But you know this woman was readmitted by a bill introduced in the lower house and you understand it afterwards went through the Senate? A Yes sir.
- Q Do you know who framed the bill to admit her? A No sir.
- Q Do you know whether it was framed by your committee after hearing the testimony? A Why we reported it in there, I don't know who framed the bill; we reported it to the Council and they passed on it.
- Q Anybody else reported but the one person at that time was there? A Well now I will tell you I don't remember whether there was or not; I expect old man Dobson is better posted on it than I am, he was Chairman of the Committee.
- Q You can't recollect then the name of anybody else admitted at that session of Council other than this party? A That is all I remember of.
- Q You never saw the Act after it was approved by the Chief? A No sir, I never have seen it.
- Q You don't know then that it ever passed? A Nothing only that it passed our house and went to the Senate, and I heard there, I believe it was Roach Young told me it had passed the Senate.
- Q Well all you knew about it is just the rumor you heard upon the street? A Well I heard it from that Senator.
- Q When has your memory been first refreshed with reference to this matter? A Well I believe it was last summer or spring, some one told me about it.
- Q Who was it? A Mr. Starr over there and he got to talking to me about it and I remember the circumstance then, and old man Dobson come around and we got to talking about it.
- Q Don't tell what Dobson said. Well has any one since that time talked to you about it? A Why no, only when this gentleman here, Mr. Patten today come around and asked me about it.
- Q Mr. Patten talked with you this morning about it? A Yes sir.
- Q Did he then discuss with you the name of this woman? A Why he just asked about the name is all.
- Q You and him discussed the name at that time? A And he asked me if I thought I would know the woman if I could see her.
- Q You are confined in the United States Jail? A Yes sir.
- Q You are under an indictment for murder? A Yes sir.
- Q Have you ever been indicted for anything else? A No sir, I believe not.
- Q Were you ever charged in the Cherokee Courts with shooting Tom Triplett? A I was charged for that, but I never was tried for it.
- Q Isn't it a matter of fact that our Courts lost jurisdiction by the passage of the Curtis Bill? A Yes sir.
- Q And your case was pending at that time? A Yes sir.

- Q Are you married? A Yes sir.
- Q How many times have you been married? A Twice.
- Q When were you first married? A The first time?
- Q Yes? A It has been about 30 years ago.
- Q Were you ever divorced from your first wife? A Yes sir,---well you might call it a divorce, we lived together as man and wife a long time.
- Q Separated by a legal divorce from Court? A No sir.
- Q Is she living? A Yes sir, she is married; been married a long time.
- Q Were you married after you separated from your first wife? A Yes sir.
- Q How as a matter of fact you never were legally married after to your first wife? A Well, no.
- Q How long did you live with her? A About 20 years.
- Q How many children did you have by her? A Seven or eight.
- Q Are you living with your last wife? A No sir.
- Q Divorced? A No sir.
- Q Separated? A Yes sir.
- Q You don't recollect anybody then that was admitted by an Act of 1893 or during that session of Council? A Why this lady I spoke of just now but I disremember the name.
- Q Well is that the only one that you remember that was readmitted? A I suppose there was others, but I don't remember who they were.
- Q Do you remember any one that was admitted in 1894? A No sir, I don't believe I can call the names who they were.
- Q Were you a member of the Council in 1895? A Yes sir.
- Q Do you remember any one that was readmitted by that Council? A There was some parties readmitted but I don't know they were; it has passed my recollection and remembrance.

BY MR. PATTEN:

- Q You say I believe that you didn't remember whether or not that part of the Act referred to this Gallie Miller that was before you, you didn't remember whether that was an original bill or an amendment? A Why I suppose it would be an original bill from the lower house; she applied there for her citizenship and the committee passed on it and it went to the lower house, then they voted on it there and they passed it, and when it went to the Senate this other Senator told me it had passed there; Of course I don't know that.
- Q You spoke of her having some other name there, was it some other name at that time? A It was some Cherokee name, but I don't remember it.
- Q Do you know whether or not at that time she was ever called Gallie Holt or Gallie Miller other than the Cherokee name? A I don't remember but I believe they said something about Gallie Holt or Gallie Miller; of course it has been a long time ago, and I can't be too positive about these things, but I am positive about that committee passing on her and it passing the Council, I am positive about that.

ON BEHALF OF THE COMMISSIONER:

- Q This person about whom you have been testifying as being readmitted, you state she was at least part colored? A That is what they claimed she was.
- Q Did her looks show it? A Yes sir, her looks showed it, looked to me like she was
- Q Do you have a distinct recollection of her? A Well I believe I would know her if I should see her; I never have seen her since that time, and never did see her before that time.
- Q Do you know whether her application was made for readmission as a Cherokee by blood or as a Cherokee Freedman? A I think it was made by blood.
- Q Is that your impression? A Yes sir, that is my impression.
- Q Isn't it a fact that applications for readmission as Cherokee Freedmen were very seldom, if ever, made? A That is the only case I know of.
- Q And you now state that your impression is that she made her application for readmission as a citizen by blood? A That is my recollection of it.
- Q Do you know whether anything was said of her ever having been a citizen prior to that time? A Why they claimed she was; that is she claimed she was and I think they proved it up there that she was
- Q Well if she had never been a citizen before that time, would she not have had to make her application for admission instead of readmission? A Well I think it was for readmission; I am might near positive it was.

~~EXHIBIT OF THE COMMISSIONER~~

BY MR. HASTINGS:

- Q Do you know whether the testimony showed she had been a slave? A No sir, I don't; I don't recollect that.
- Q Well don't you know as a matter of fact that all of the witnesses that this woman claimed to have had before your committee were freedmen and she claims that it was on the grounds that she was a slave? A I don't remember, as I told you I don't remember, but I do remember about that woman being readmitted there and went through that Council; I do know that for I was a little hot about it.
- Q You were mad because she was being readmitted as a Freedman? A I thought so.
- Q Weren't you made because they were attempting to readmit her as a Freedman? A I thought she was and some of the balance of them said she was.
- Q Don't you know that if you have got any distinct recollection about it at all that she applied as a Freedman and introduced testimony to show that she was entitled as a Freedman? A I was tryin' to study who her witnesses were; they were not all colored people I don't think; there was some other people there but I don't remember their names.
- Q You don't remember any of them? A No sir, I don't.

BY MR. PATTEN:

- Q Do you remember whether or not Stick Roas had anything to do with it? A I believe probably he was a witness in the case.
- Q That is your best recollection? A Yes sir.
- Q You say you were opposed to this in the beginning? A Yes sir, I was.
- Q Isn't it a fact that you were opposed to it because you were of the opinion that she was a negro and hadn't ought to be readmitted? A Yes sir, that is my reason and they brought in evidence there and it seemed like the full bloods on the committee were in favor of her and I just give right in.
- Q Do you remember whether or not there was any evidence as to who her father was? A No sir; --, will take that back, I believe I do; -- believe they claimed that her father used to live on the Illinois River somewhere.
- Q Do you remember whether or not there was any evidence, testimony, to show whether her father was an Indian by blood? A Yes sir.
- Q Was that the fact that helped make those full bloods think she ought to be readmitted?

MR. HASTINGS:

Objected to by the representative of the Cherokee Nation for the reason that this question is clearly leading; that this witness has heretofore testified that he did not remember a single solitary witness that appeared before the committee.

ON BEHALF OF THE COMMISSIONER:

The objection will be noted.

A Yes sir, it seemed that they thought that; that is the reason I looked under on it.

BY MR. HASTINGS:

- Q Now ~~xxxxxxxx~~ since you have gone into the testimony, don't you know that if any examination on earth was made of this case before this committee that the testimony developed that she was a slave herself before the war? A I believe it would.

BY MR. PATTEN:

- Q Your best opinion then is the testimony introduced there was that this woman before the war was a slave? A Yes sir, -- think it was.

Q Was that one of the reasons that made you think all the more that she must have some negro blood in her?

MR. HASTINGS:

Objected to because it is leading; and second, because it calls for a conclusion of the witness.

ON BEHALF OF THE COMMISSIONER:

The objection will be noted.

A That is the reason I didn't think she ought to be readmitted there.

(Witness excused).

MR. PATTEN:

Attorneys for applicants now offer in evidence a certified copy of the original bill and amendments thereto, namely Council Bill No. 10, passed by the Cherokee Legislature December 11, 1893, readmitting, among others, to all the rights of Cherokee citizenship, Mary Miller, et al.

MR. HASTINGS:

Objected to by the representative of the Cherokee Nation for the reason that the certified copy offered to be introduced shows that Mary Miller and family was readmitted to citizenship, and not Sallie Miller, and that the bill has no reference whatever to the applicant; second, for the reason that all of the testimony introduced tends to show that original application was made to the lower house of the Nation Council, whereas the certified copy of the Bill offered to be introduced shows that this amendment readmitting Mary Miller and family was made offered in the Senate and not in the Lower house.

ON BEHALF OF THE COMMISSIONER:

The copy referred to being certified by the Assistant Executive Secretary of the Cherokee Nation, and under the Nation seal, appearing to be correct, the same will be filed and considered for what it is worth in connection with the testimony in regard to the admission of the parties to which it refers.

MR. HASTINGS:

To which the representative of the Cherokee nation
excepts.

The attorneys for applicants and the Cherokee nation
announce they have no further evidence to introduce in
this case, the same will be closed and a decision rendered
on the evidence heretofore introduced.

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Geo. H. Lessley, being first duly sworn states that as
stenographer to the Commissioner to the Five Civilized Tribes, he re-
ported the proceedings had in the above entitled cause, and that the
above and foregoing is a true and correct transcript of his sten-
ographic notes thereof.

Geo H Lessley

Subscribed and sworn to before me this 14th day of January, 1907.

Chas E Webster

Notary Public.

C.F.D.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Sallie Miller, et al., as Cherokee freedmen, consolidating the
applications for the enrollment of:

Sallie Miller.....Cherokee freedman D 648
Anna Butler and Rether Owen...Cherokee freedman D 979
Howard Bushyhead.....Cherokee freedman D 980
Katie Davis.....Cherokee freedman D 983

D E C I S I O N
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THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Sallie Miller for herself; by Anna Butler for herself and minor child, Rether Owen; by Howard Bushyhead for himself and by Katie Davis for herself. The records further show that the applications for the enrollment of the above named persons were consolidated with the case of Katie Ridge, et al. C.F.D. 298, et al., and that on October 13, 1905, the Commissioner to the Five Civilized Tribes rendered his decision in said consolidated case, denying all the applicants therein the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded the Department for review; that thereafter on July 9, 1906 (I.T.D. 17864-05), motions to reopen said cases having been filed with the Department, the Secretary of the Interior remanded said consolidated case to this office for further hearing and readjudication with instructions that said consolidated case be divided into groups according to the three places from which it is alleged the applicants returned to the Indian Territory after the war. It having been determined by this office that the cases of Sallie Miller, C.F.D. 648, Anna Butler and Rether Owen, C.F.D. 979, Howard Bushyhead, C.F.D. 980 and Katie Davis, C.F.D. 983 should constitute one of these groups, further proceedings in the matter of said applications were had at Muskogee, Indian Territory, December 20, 1906, and at Vinita, Indian Territory, December 26, 1906.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Sallie Miller, was a slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion she left the Cherokee Nation, and did not return thereto

and establish an actual personal bona fide residence therein after the close of the war until subsequent to February 11, 1867. Attention is here invited to "Council bill No. 10", entitled "an act to readmit B. F. Davis and children to citizenship in the Cherokee Nation", a certified copy of which is filed with and made a part of the record in this case, and the testimony introduced on behalf of the applicants herein attempting to show that one Mary Miller mentioned in said act, and the applicant herein, Sallie Miller, are one and the same person, but it is considered by this office that in this they have wholly failed, and that the evidence conclusively shows that Mary Miller mentioned in said act is not identical with the applicant herein, Sallie Miller. It is further shown that all the other applicants herein are descendants of the said Sallie Miller, were born since 1864, and neither claim nor possess any right to enrollment as Cherokee freedmen other than as such descendants. Excepting that the said Katie Davis is identified on the Wallace roll of Cherokee freedmen, no one of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: that under the provisions of Section twenty-one of the Act of Congress approved June 28, 1896 (30 Stat. 495), Sallie Miller, Anna Butler, Esther Owen, Howard Bushyhead and Katie Davis are not entitled to enrollment as Cherokee freedmen, and their applications for enrollment as such are accordingly denied.

SIGNED,

Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory,
this FEB 23 1907.

BEFORE THE DEPARTMENT OF THE INTERIOR,
WASHINGTON.

In the matter of the application for the enrollment of Sallie Miller,
et al., as Cherokee Freedmen, consolidating the applications of-----

Sallie Miller-----Cherokee freedman D-648,
Anna Butler and Esther OwenCherokee freedman D-979,
Howard Bushyhead-----Cherokee freedman D-980,
Katie Davis-----Cherokee freedman D-985.

A P P E A L.

Come now the applicants in the above entitled cause and pray an
appeal from the Decision of the Commissioner to the Five Civilized Tribes,
dated at Muskogee, Indian Territory on February 23, 1907, to the Honorable,
The Secretary of the Interior, Washington.

An examination of the record in this case previous to the time
that this case was remanded to the Commissioner to the Five Civilized
Tribes for rehearing, and an examination of all the evidence in this case
which constituted the record herein previous to the time the supplementary
proceedings had herein at Muskogee, Indian Territory on December 20, 1906
and at Vinita, Indian Territory on December 26, 1906, we respectfully
submit, left the issues in this case very close. An examination of this
record shows that upon the previous trials herein as well as upon the
late rehearing had on the above case, that on these occasions and now the
only question before the Department at issue in this case was the question
of return and compliance with the Ninth Article of the Treaty of July 19,
1866.

Upon this issue, considerable testimony had been introduced on
behalf of the applicants and also on behalf of the Cherokee Nation, all
of which was conflicting and left the question at issue, we submit, unsatisfactorily explained. When this case was remanded to the Honorable
Commissioner to the Five Civilized Tribes for further hearing, our contention at that time was that the principal applicant herein, Sallie
Miller, and those claiming under her, a part of whom constituted her
family, were readmitted by the Cherokee Legislature in 1893 to all the

rights of Cherokee citizenship. We took this position contending that, if this were true, that the action of the Cherokee Legislature in this matter was sufficient to give to the applicants herein the benefit of any doubt that might have been left by the testimony heretofore introduced upon their rights to be enrolled as Cherokee Freedmen; and to entitle them, if we sustained our contention upon this point, to be enrolled as freedmen citizens of the Cherokee Nation.

The sole question, then, raised upon the rehearing had in this case before the Commissioner on December 20 and December 26, 1906, and the sole issue tried upon that rehearing was the question above stated "Was the applicant, Sallie Miller, and her family readmitted to all the rights of Cherokee citizenship by the Cherokee Legislature in 1893?". We introduced in this case a certified copy of the original Bill and an Amendment thereto, namely, Council Bill No. 10, which was passed by the Cherokee Legislature on December 11, 1893 and signed by the Chief of the Cherokee Nation, which Bill readmitted, among others, to all of the rights of Cherokee Citizenship, one Mary Miller and family. Our contention in this case was that this Mary Miller and family named in that Bill was the same person as the applicant, Sallie Miller, herein, which therefore left the issue only of identity, and we respectfully submit that if the applicant, Sallie Miller, has been sufficiently identified as being the person named in that Bill that these applicants are entitled to be enrolled as freedmen citizens of the Cherokee Nation.

The testimony in brief upon this question is as follows:

STICK ROSS:

This witness gave his age as 59 years and his Post Office as Tahlequah, Indian Territory. His testimony shows that he has been quite well acquainted with the applicant, Sallie Miller, for years; that in 1893 he was a member of the Lower House of the Cherokee Legislature; that while a member of that branch of the Cherokee Legislature this identical applicant, Sallie Miller, applied for readmission as a freedman citizen of the Cherokee Nation to the Cherokee Council; that the question of her readmission was referred to a standing committee on

3

citizenship composed in part of John Shapp, Lincoln England, Reverend Dodson and Mr. Hare, and that W. A. Thompson was Clerk of this Committee. His testimony shows that during the November Session of that Legislature this Committee considered her application and investigated the fact of her parentage and the question of her return and compliance with the Treaty of 1866; that this witness was then a witness before that Committee in behalf of this applicant; that it developed before that committee, among whom were several full-bloods, that this applicant was in part a Cherokee by blood and spoke good Cherokee, and they considered all this together with the testimony before that Committee upon the question of her compliance with the Treaty of 1866 as to her return to the Cherokee Nation and this Committee recommended that she be readmitted. His testimony further shows that this Bill passed the Lower House of which he was a member and that he afterwards learned that it also passed the Senate and became a Law. He positively identifies the applicant as being the person whose name appears in this Bill. His testimony shows, and there is no question, that this was the only instance to his knowledge ever known in the history of the Cherokee Legislature of a freedman being admitted or readmitted to Cherokee citizenship, and we respectfully submit that the fact that it was known to that committee, among whom were several full-bloods, that the father of this applicant was a full-blood Indian and that this applicant herself talked to that Committee in Cherokee, explains in part, as this witness shows, how it was that she was readmitted to Cherokee citizenship. Certainly it can not be said that she did not appear before this Committee and that these actions were not taken, and certainly it can not be said that she was admitted on any grounds other than as a freedman, for the reason that the testimony shows that the evidence before that committee showed that she was a slave before the war; that her father was a full-blood Indian and that she complied with the Ninth Article of the Treaty of 1866 in regard to her return to the Cherokee Nation after the war.

GALLIE MILLER.

This witness, the principal applicant in this case,

and a poor freedman woman, as the testimony shows, was not acquainted with the workings of the Cherokee Legislature and for that reason, we respectfully submit, her simple testimony of what occurred while she was at Tahlequah, Indian Territory, is worthy of a great deal of weight. She says that about the latter part of 1893 her citizenship was questioned; that she went to Tahlequah where she was acquainted and where she thought she could get witnesses to straighten her out; that she got W. A. Thompson to attend to the matter for her. It will be noted that this same W. A. Thompson was the Clerk of this standing Committee on citizenship referred to by the previous witness, Stick Hess. Her testimony shows that this matter was taken up before the House and the standing Committee on citizenship composed in part of Mr. Shapp, Lincoln England and some full-blood Indians and that W. A. Thompson was Clerk of that Committee and that Levi Gritts was Interpreter of that Committee. She shows in her testimony that she had witnesses before that Committee; that they questioned her upon her parentage, upon the fact of her being a slave before the war, upon the question of her leaving the Cherokee Nation during the war, and upon the question of her return to the Cherokee Nation after the war. Her testimony further shows that Mr. Thompson, the Clerk of this Committee, advised her that the Committee recommended favorably upon her application and that when the matter was taken up in the House and Senate, that the Bill had passed both the House and Senate of the Cherokee Legislature and that ^{it} ~~was~~ only remained for the Chief to sign the Bill. The Bill itself shows that it was signed by the Chief of the Cherokee Nation. Unquestionably then, by the testimony of this applicant, she did appear at Tahlequah and did appear before that standing Committee on citizenship, and at considerable length and completeness had the question of her readmission to citizenship in the Cherokee nation, brought before that tribunal. We believe that this, at least, can not be doubted.

LINCOLN ENGLAND.

This witness gave his age as 58 years and his Post Office as Baron, Indian Territory. His testimony shows that in 1893 that he was a member of the Lower House of the Cherokee Legislature; that he

is a Cherokee by blood and testified in this case through an official interpreter. His testimony shows that while he was a member of the Lower House of the Cherokee Legislature; that he was a member of the standing Committee on citizenship; and that while a member of that standing Committee on citizenship that the matter of an application of a Cherokee freedman woman for readmission to Cherokee citizenship came before that Committee for consideration; that he was positive that she was the negro woman and that she appeared herself in person and had witnesses presented before that Committee to support her application. This witness has no recollection of what was the result of that investigation, but we respectfully submit that an examination of his testimony shows that, while it was a very uncommon and almost unknown practice for that tribunal to entertain freedman applications for citizenship and readmission thereto, yet we invite attention to his testimony to show that he is absolutely positive that in the latter part of 1893, while he was a member of that Committee on citizenship, that they entertained and received evidence upon an application for readmission to Cherokee citizenship of a colored freedman woman, and that she herself was present in person before that Committee.

LEVI GRITS.

This witness gave his age as 32 years and his Post Office as Tahlequah, Indian Territory. His testimony shows that in 1893 he was the official interpreter for a standing Committee on citizenship composed of members of the Cherokee Legislature at Tahlequah, of which Committee Rev. Deason was Chairman and W. A. Thompson was Clerk. Upon the trial of this case he positively identifies this applicant, Sallie Miller, as being the self-same woman who appeared before that Committee as above stated, and of whom Lincoln England and Mr. Fields were also members, and his testimony shows that that Committee went into the question of her citizenship relative to readmitting her as a freedman citizen of the Cherokee Nation, and he says that his recollection is that that Committee recommended that she be readmitted. His testimony further

shows that according to his best recollection at that time as he now remembers it, that she passed the Legislature and was readmitted, as the Council Bill introduced as evidence in this case shows. We invite attention to his testimony in this case which will show the circumstances concerning this transaction in that Committee Room, which clearly called to the mind of this witness the facts about which he testified. His testimony shows that he did not remember the name of this woman but that he recognized her as soon as he saw her, as being the same woman admitted at that time. He distinctly remembers the circumstances of that woman being a freedman, which appealed to him as being such an unusual thing in the Cherokee Legislature. His testimony shows, as did the testimony of the previous witness which it corroborates, that she conversed with the full-blooded members of this Committee in their own language, which fact, coupled with the testimony that her father was a full-blood Indian, probably accounts for this remarkable exception in the actions of the Cherokee Legislature in readmitting this freedman woman to all the rights of Cherokee citizenship.

JOHN W. SHARP.

This witness gave his age as 53 years and his Post Office as Tahlequah, Indian Territory. His testimony shows that in 1893 he was a member of the Lower House of the Cherokee Legislature, and that while holding this official position, he was also a member of the standing Committee on citizenship, of which Mr. Deben, Sam Fields, Lincoln England and Jesse Ware were also members. His testimony corroborates that of the witness who just left the stand and he says that Levi Gritts was the official interpreter for that Committee. His testimony further shows that while a member of that Committee that an old colored woman named Sallie Miller applied to the Cherokee Legislature for readmission as a freedman citizen of the Cherokee Nation; that the facts in her case were investigated by this Committee and that he was opposed to her readmission because she was a freedman, and that practice was contrary to the customs and usages of the Cherokee Legislature, yet he positively says that when she had introduced her evidence before that Committee and showed

them that her father was a full-blood Indian, and had talked Cherokee to the full-blood members of that Committee, that these full-blood members were in sympathy with her and they insisted that she be readmitted. His testimony shows that she was readmitted and he is positive in his testimony that this Committee recommended her application favorably, and that, as a member of the Lower House of the Cherokee Legislature, that he knows that the Bill passed that House and that he was informed by members of the Cherokee Senate that it also passed that branch of the Cherokee Legislature and that it was consummated and she was readmitted to all the rights of Cherokee citizenship. An examination of this witness's testimony will show that he was positive of the facts about which he testified and his testimony shows that he certainly could not have been mistaken about these facts. Unquestionable, we submit, that in the testimony of this witness, this applicant, Sallie Miller, did not appear before that Committee, who investigated her application for readmission, and that that her application was recommended by this standing Committee on citizenship and upon that recommendation passed the Cherokee Legislature.

This constituted the applicants' case.

After examining the testimony in this case, we respectfully submit that it can not be doubted that the Mary Miller named in the Council Bill is identical with the Sallie Miller, the applicant in this case, and that unquestionably there could only have been a clerical mistake made in recording the Bill. We respectfully submit that in this testimony we have sustained our contention in this case.

Let us see in what manner the Cherokee nation sought to meet this contention.

They introduced as a witness in this case one Mary E. Brice, a Cherokee by blood, whom the testimony shows in 1893 was Mary E. Miller, and by reason of the mere fact that in 1893 her name was Mary E. Miller, they contend that she is the person named in this Council Bill, a certified copy of which we have introduced in evidence in this case. A cross-examination of her testimony, we respectfully submit, will show that she at no time ever appeared before the Cherokee Legislature or any branch

of that tribunal in regard to her citizenship matters, and that the only thing she ever did was to employ Henry Drew of Vinita, Indian Territory, who had no connection or relations whatever with the Cherokee Council ^{to} but represented her in the matter of getting her straightened out that she might draw her strip money in 1894. A close examination of her testimony from every legitimate conclusion that can be drawn there from, we respectfully submit, shows that this was the matter in which Henry Drew represented her. Not a single witness, not even this witness, undertook to say that she ever appeared before the Cherokee Legislature at Tahlequah in this matter, and the record itself, showing that she is duly enrolled on the authenticated roll of 1890, certainly shows that there would be no reasonable excuse or any occasion for her appealing to be readmitted as a Cherokee citizen. We have introduced a number of witnesses who positively identify our applicant as being the very self-same person who appeared before the Cherokee Legislature and the branches thereof in 1893 in this matter. Not a single witness introduced on behalf of the Cherokee Nation even attempted to say that this witness, Mary E. Miller, ever appeared at Tahlequah in this matter and an examination of her testimony, as well as the testimony of the Nation's other witnesses, who undertook to know anything about this witness personally, will conclusively show, we respectfully submit, that she was only being represented in the matter of drawing her strip money. We further desire to call attention to the fact that this woman at all times in her testimony, in the matter of the application of herself and her children to be enrolled as ~~Indian~~ Cherokee citizens, in her certificates of allotment, in every birth affidavit signed by her, and in the deeds conveying the title to her allotment of land to her by the Cherokee nation, that on each and every occasion and without a single, solitary exception, her name has always been given and has always been recognized as Mary E. Miller. We respectfully submit that this is just as great a discrepancy between her name and the name of the woman in Council Bill No. 10 introduced in evidence in this case, as is the discrepancy, which we submit is a clerical mistake, between the name of Nellie or Sarah Miller and Mary Miller; and we respectfully

fully submit that in a name being pronounced to a Clerk, who did the Clerical work, that it would be easier to mistake the name of Sarah Miller for Mary Miller than it would be for him to omit the prominent initial "M". This witness, herself, thus admits that she had no notice officially whatever of ever being admitted by the Cherokee Legislature, and simply undertakes to say she was, we submit, by reason of the fact that she drew her strip money in which transaction Henry Drew represented her. While we do not consider her testimony of much force in this case and of no damaging effect whatever to this applicant, yet, we submit, that the testimony of this woman is worthy of little credit. It is a well known fact that the poorest guarantee of veracity which the rational man or woman may possess is the character of a very low grade of morals, and it is only necessary to call attention to the record in this case to show that perhaps no witness ever took the stand before the Commissioner to the five Civilized Tribes who was possessed of a lower grade of morals, and as nearly devoid of a moral sense as was this witness.

GEORGE W. MAYES, another witness on behalf of the Cherokee Nation, gave his age as 58 years and his post Office as Pryor Creek, Indian Territory. His testimony is substance attempted to show that the former witness, Mary E. Miller, was the person admitted in the Council Bill introduced in evidence in this case for the flimsy reason that he received a letter from her written by Henry Drew about 1893 in regard to some citizenship matter. He admits that this woman never appeared before the Cherokee Legislature at Tahlequah, and he admits that no testimony whatever was brought before that Legislature in her behalf. We respectfully submit that, beyond question, when this witness's testimony is compared with the testimony of the previous witnesses, it shows unquestionably that the matter in which she wrote him was the same matter in which she testified in regard to having Henry Drew attend to, which the former witness said was in regard to the strip payment. This witness shows in his testimony on page 25 that the only Committee upon which he served was a Committee for the purpose of reviewing the rolls for the strip payment, and we respectfully submit that from a reasonable consideration of this

testimony and its comparison with the testimony of the former witness, that this is just about the way he ever had occasion to know anything about this matter whatever, that is, by attending to getting her in shape for the strip payment. We respectfully submit that the larger part of his testimony in substance is that it must have been this Cherokee woman who was admitted to Cherokee citizenship because he never knew of an instance in the Cherokee Legislature in which a Freedman was readmitted. We, ourselves, contend that this was a very rare exception, but when our testimony shows conclusively that this applicant was the person admitted at that time, we respectfully submit that it was an exception, and that the fact that this witness undertakes to say that it certainly could not have been the applicant because she is a freedman, that his conclusion is not sufficient to rebut the evidence and convincing testimony of the witnesses introduced in this case on behalf of the applicants.

The last witness introduced in this case on behalf of the Cherokee Nation was G. W. Benge, another Cherokee by blood, who gave his age as 54 years and his Post Office as Tahlequah, Indian Territory. In his testimony he does not undertake to say, nor does he undertake to remember who the Mary Miller admitted in this Council Bill was. His testimony, we respectfully submit, in substance, is nothing more or less than that so far as he knows, the Cherokee Legislature never in the history of that body ever readmitted to Cherokee citizenship a colored person. We respectfully submit that the fact that this witness testified the same as did our own witnesses upon this point, to-wit, that it was an extremely unusual thing for this body to do, yet, we submit, when it is positively shown that they did make this exception, that his testimony is of no prebative force to the issues in this case.

On page 29 of the Commissioner's record herein this witness admits that in the Bill admitting the applicants in this case on its face showed no distinction between her and the Cherokees by blood; that that Bill could have easily passed both houses of the Cherokee Legislature and he not have known that one of the persons named therein and readmitted to Cherokee citizenship was a freedman. At this point we respectfully

invite attention to the fact that this condition is exactly what this Council Bill shows. An examination of the Council Bill introduced in evidence in this case on behalf of the applicants will show that there was no distinction whatever made and no notation whatever showing whether the Mary Miller therein named was a Cherokee by blood or a Cherokee freedman.

This was the case at Bar with the exception of the testimony of T. W. Foreman, Snake L. Miller, Joseph Woodward, and Ben Johnson. These witnesses testified that they were acquainted with the reputation of Levi Gritts, Stick Ross and John W. Sharp and that their reputation was bad. This was their testimony and the only purpose for which they were introduced. We respectfully invite attention to the fact that, while each of these witnesses attempted to in this way impeach the previous witnesses above named, that an examination of their testimony will show that every one of these impeaching witnesses are Cherokees by blood and that each and every single one of these witnesses had some motive, something to be "more" about as one of them expressed it, which prompted them to testify in this manner. It seems to us that if the Cherokee Nation wanted to impeach these witnesses, and could have done it, and that if the reputation of these witnesses for truth and veracity was bad, that they could have procured the testimony either from white men who were disinterested, or at least the testimony of men who did not have ill feelings toward the men they were attempting to impeach. It is a well known fact, we believe, that there are very, very few men, especially any man of business in a community who does not have enemies, and no matter how reputable and how honorable a man may be, it is always possible to get at least two or three of his enemies who are willing to testify that they will not believe him under oath. We respectfully submit that the testimony of these witnesses, as it stands, is not sufficient to question in any way the truth of the statement made by our witnesses relative to the issues in this case.

This is all was the case at Bar and we respectfully submit that we have abundantly sustained our contention in this case and have prove

beyond question that the Mary Miller and family readmitted to Cherokee citizenship in 1893 is the identical person who is the principal applicant in this case. It seems to us that if our contention that the Mary Miller introduced as a witness in this case on behalf of the Cherokee Nation is the same they purported to be the person admitted by the Cherokee Legislature, that this Mary Miller was only represented by Henry Drew in the matter of arranging for her to draw her strip money, we say it seems to us that if our contention upon this point was incorrect, that it would have been an easy matter for the Cherokee Nation to have proven conclusively by Henry Drew, who represented this woman in that matter and who lives in the City of Vinita, Indian Territory, the very town where the witness, Mary B. Miller, lives, and he was much more able physically to make a trip to Muskogee, Indian Territory, as a witness in this case, and who stands so much higher morally for integrity and truthfulness than does the witness, Mary B. Miller, that it would have been an easy matter for the Nation to have produced this man as a witness and had him explain the capacity in which he acted and the purpose for which he represented the witness, Mary F. Miller, in 1893.

C O N C L U S I O N .

After the whole evidence in this case, we respectfully submit that we have conclusively sustained our contention in this matter and, having sustained our our contention herein, on account of the Cherokee Legislature admitting to all the rights of Cherokee citizenship the principal applicant and her family herein, after having thoroughly investigated the facts in her citizenship case, is of sufficient weight to over balance any doubt that may have been left upon the issues in this case in favor of these applicants and is of sufficient weight to entitle these applicants to admission as freedmen citizens of the Cherokee Nation; and we, therefore, respectfully move the Honorable Secretary of the Interior that the decision of the Commissioner to the Five Civilized Tribes of February 23, 1906, be reversed and that Sallie Miller, Anna Butler, Mother Owen, and Katie Davis be enrolled as freedmen citizens of the Cherokee Nation.

Respectfully submitted,

Stuart A. Pelt

Attorney for

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of SALLIE MILLER, ET AL., as Cherokee freedmen, C. F. RD 648.

Brief of the Cherokee Nation.

An examination of this case shows that there is absolutely no merit whatever in it, and that perhaps more fraud was attempted to be practiced in it than in any other case.

During the first trial numbers of witnesses were introduced on behalf of the Cherokee Nation who testified that they knew Sallie Miller, nee Holt, in Fort Scott, Kansas, where she lived continuously after the war, where she owned property until along in the nineties, and therefore she did not come back and establish a residence in the Cherokee Nation prior to February 11, 1867.

The testimony was so clear and conclusive and upon it she was rejected and the case was remanded only because of the fact that several large families were grouped together and the record too voluminous, and the department thought it advisable to have them separated.

Upon remanding the case effort for the first time was made by counsel to show that Sallie Miller was readmitted to citizenship in 1893, and Stick Ross, Levi Gritts, and John Sharp were introduced for the purpose of showing that they were connected with the lower branch of the Cherokee Nation council, and they swear that a bill was introduced in the lower branch of the nation council admitting Sallie Miller, but none of them know whether it finally became a law or not. Their other witness, Lincoln England, knows of some one applying, but he has no further recollection of the matter.

Stick Ross, Levi Gritts and John Sharp are impeached by T. W. Foreman, S. L. Miller, Joe Woodard and Ben Johnson, all reputable citizens who live in the vicinity of Tahlequah, who swear that their reputations

for truth and veracity were bad and that they would not believe them under oath.

All of these witnesses are further contradicted by the fact that the act itself introduced shows a Senate Amendment admitting one Mary Miller as a Cherokee and contradicts witnesses introduced on behalf of the applicant to the effect that the bill was introduced in the Lower House.

Bear in mind that the Mary Miller admitted was by a Senate Amendment.

The Cherokee Nation introduces the Mary E. Brice, formerly Miller, who is a well known Cherokee, but who had left the Cherokee Nation and forfeited her citizenship and had to be readmitted as provided by Section Two, Article One of the Cherokee Constitution, and she was readmitted in 1893 as testified to by George W. Hayes, who was a Senator from that District, who had known her and known of her and who positively identifies that the Mary E. Brice is the person admitted.

All testify that no freedmen were ever admitted. The record shows that it was a Senate Amendment; all of the witnesses for the applicant are impeached, and the testimony further shows that in 1896 Sallie Miller never claimed before the Kern(Shiften Commission that she had ever been readmitted to citizenship, which tends to further contradict her claims at this time.

Again, the person admitted was named Mary Miller, whereas this applicant is named Sallie, and the witness Mary Brice was named Mary Miller in 1893, although her initial seems to have been omitted from the Senate Amendment.

We respectfully submit that in our judgment this is one of the greatest frauds ever attempted to be practiced upon the Cherokee Nation.

Respectfully submitted,

W. W. Hasler

Attorney for the Cherokee Nation.

Muskogee, I. T., March 1, 1907.

(C O P Y).

Vinita, I. T.

November 7th 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Dear Sir:

In the consolidated Cherokee Freedmen enrollment cases of Dennis Hicks et al -- desire to submit in behalf of the applicants Sallie Miller; Anna Butler (Peterson) et al, Nowah Bushyhead and Katie Davis et al the following as a list of their witnesses:

- 1---- Applicants.
- 2---- Joshua Ross, Muskogee, I. T.
- 3---- Stick Ross, Muskogee, I. T.
- 4---- Nelson Moore, Ketchum, I. T.
- 5---- John A Sharp, Tahlequah, I. T.
- 6---- Levi Writts, Tahlequah, I. T.
- 7---- Rev. L. Robson, Buraka, I. T.
- 8---- H. V. Benge, Ft. Gibson, I. T.
- 9---- Lincoln England, Westville, I. T.
- 10--- Frank Pack, Tahlequah, I. T.
- 11--- C. W. Willey, Ft. Gibson, I. T.

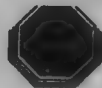
Respectfully,

(Signed)

Starr & Patten,
Attorneys, I. T.

Attorneys for Sallie Miller et al.

CORRECTION



The preceding document(s) has been refilmed
to assure legibility and its image appears
immediately hereafter.

(C O P Y).

Vinita, I. T.

November 7th 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Dear Sir:

In the consolidated Cherokee Freedmen enrollment cases of Dennis Hicks et al we desire to submit in behalf of the applicants Sallie Miller; Anna Butler (Peterson) et al, Howard Bushyhead and Katie Davis et al the following as a list of their witnesses:

- 1---- Applicants.
- 2---- Joshua Ross, Muskogee, I. T.
- 3---- Stick Ross, Muskogee, I. T.
- 4---- Nelson Moore, Ketchum, I. T.
- 5---- John A Sharp, Tahlequah, I. T.
- 6---- Levi Gritt, Tahlequah, I. T.
- 7---- Rev. L. Dobson, Baraka, I. T.
- 8---- H. V. Benge, Ft. Gibson, I. T.
- 9---- Lincoln England, Westville, I. T.
- 10--- Frank Pack, Tahlequah, I. T.
- 11--- C. W. Willey, Ft. Gibson, I. T.

Respectfully,

(Signed)

Starr

Attorney for Sallie Miller et al.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freed.
D 648-953-979-980.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 28, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

It is hereby ordered that the Cherokee freedmen cases of Sallie Miller, Anna Butler, et al., Howard Bushyhead and Katie Davis be separated from the consolidated case of Dennis Hicks, et al., and that they be consolidated and heard separate from the Hicks case.

There is enclosed a copy of a letter, dated November 7, 1906, from Starr & Patten, Vinita, Indian Territory, Attorneys for applicants, submitting a list of the names and addresses of the witnesses they propose to introduce on behalf of the applicants. The principal applicants and their Attorneys have this day been notified that they will be permitted to appear before the office of the Commissioner at nine o'clock A. M. on Thursday, December 20, 1906, and introduce the testimony of the witnesses whose names and addresses they furnished. The Cherokee Nation will also be permitted to appear on that day and introduce in rebuttal such testimony as it desires in the case.

Respectfully,

Commissioner.

Encl. W-1 ¹/₂
S.W.

Clanton, I. Ter.
Dec 8 - 06.

W. W. Hastings
Mustoga

I. Ter.

Dr Sir -

Yours of the 5th recd -
In ans will say, I have no rec-
ollection of the families you
infer to. But I believe Geo Moyes
was Chairman of the Citizenship
Com - I don't hardly believe a
freedman could have been
admitted as a Cherokee - I
think by writing Geo Moyes
you may gain some in-
formation.

Respect

W. E. Sanders

REFER IN REPLY TO THE FOLLOWING:

Cherokee.
P. D. 648 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 21, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Referring to the ruling of the Commissioner of December 20, 1906, in reference to taking the testimony of John Sharp at Vinita, Indian Territory, in the Cherokee freedman case of Sallie Miller, et al., you are advised that his testimony will be taken on the evening of December 26, 1906, at that place.

The Attorneys for applicants have been notified hereof and requested to make arrangements to secure admission to the United States Jail in which Sharp is incarcerated.

Respectfully,

W. O. Beall

Acting Commissioner.

GHL

REFER IN REPLY TO THE FOLLOWING:

Cherokee
D. 648 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 14, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There are inclosed herewith copies of supplemental testimony taken at Muskogee, Indian Territory, December 20, 1906, and at Vinita, Indian Territory, December 26, 1906, in the matter of the applications for the enrollment of Sallie Miller, et al., as Cherokee Freedmen.

Respectfully,

Incl. GL-6.
GHL

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.
D 648 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 23, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the applications for the enrollment of Sallie Miller, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Encl. H-17
JMH

Commissioner.

Land
20926-1907.
21149-1907.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. March 2, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed the record of proceedings in the matter of the application for the enrollment of Sallie Miller, et al., as Cherokee freedmen, including the decision of Commissioner Bixby, dated February 23, 1907, denying the applications for the enrollment of Sallie Miller, Anna Butler, Esther Owen, Howard Bushyhead, and Katie Davis, as Cherokee freedmen.

There is also enclosed an appeal filed by Starr and Patton, attorneys at law of Vinita, I. T., from the decision of Commissioner Bixby, dated February 23, 1907, adverse to the applicants in the case of Sallie Miller, et al.

The decision of Commissioner Bixby has been examined, is found to be correct, and its approval is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

EEH-YAM

B.C.13299

COPY

W.H.M.

JF

DEPARTMENT OF THE INTERIOR,
WASHINGTON.
I.T.D. 7148-1907.
7908."

IRS

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Washegee, Indian Territory.

Sir:

Your decisions in the following Cherokee freedmen citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters, submitting your reports and recommending that the decisions be affirmed, are enclosed:

Title of Case.

Date of your
letter of transmittal.

Arma Glass, et al.,
Sallie Miller, et al.,

February 23, 1907.
February 23, 1907.

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Acting Secretary.

2 enclosures, and
3 enclosures to Ind. Of.,
with copy hereof.

W.H. 3-5-07

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.

D 648.

073
DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 23, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

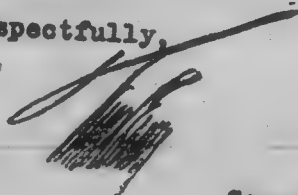
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 23, 1907, rejecting the application for the enrollment of Sallie Miller, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,



Commissioner.

Encl.C-80
LMC

ATTORNEYS:

W. W. HASTINGS, Tahlequah, I. T.
J. L. BAUGH, Chouteau, I. T.

STENOGRAPHER:

J. C. STARR, Vinita, I. T.

MARSHALS:

JOHN PARKS, Vinita, I. T.
W. B. WYLY, Tahlequah, I. T.

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D.

John Forks,

Sallie Miller

I know Sallie Miller - I first knew her as
wacker. I first met her in 1870 in Ft. Scott
Ks. - she lived there for at least ten years -
~~after that~~ ^{after that} Walter I think left her -
and she then married Miller & they left Ft
Scott, I never saw more of them -

ATTORNEYS:
W. W. HASTINGS.....Tahlequah, I. T.
J. L. BAUGH.....Chouteau, I. T.

STENOGRAPHER:
J. C. STARR.....Vinita, I. T.

MARSHALS:
JOHN PARKS.....Vinita, I. T.
W. B. WYLY.....Tahlequah, I. T.

OFFICE OF
Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: D.....

Vinita, Ind. Ter.,

Sallie Miller: No 648

Witnesses: as in Holt cases +

Also:- John Forbes + knew Sallie Miller
nee Holt in Fort Scott, Mo.

Joshua Holt, Tecumseh Holt - and
Sallie Millie are brothers and Sisters,
and are children Esther Holt No. 645.

Witness: J. Brighton, Ft Scott Mo.
Same as above.

COMMISSIONERS.

HENRY L. DAWES,
TAMM BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEEDLES.

ALLISON L. AYLESWORTH, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Sallie Miller No. 648

Set for Hearing 10/31/1901

Cher Fr D 649

Cher Fr D 649

3

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 7, 1901.

In the matter of the application of Sarah London for the enrollment of herself and two children as Cherokees Freedmen; being sworn and examined by Commissioner Breckinridge she testified as follows:

- Q Give me your name? A Sarah London.
Q How old are you? A I don't know sir.
Q Are you a hundred years old? A I expect so, I don't know.
Q You are hardly a hundred years old? A I am pretty old mistah.
Com'r: Well, we will put her down 65.
Applicant: Well, put it down as near as you can come at it.
Q What is your postoffice? A Muskegee.
Q Do you live in the Cherokee Nation, or are you living at Muskegee? A I am living at Muskegee now.
Q What district in the Cherokee Nation do you claim as your home? A Coova-soo-wee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Yes sir, six children.
Q Are these six children all under 21 years of age? A I couldn't tell you exactly, that's one of the boys you can tell you the ages of them.

MINOR LONDON, being sworn and examined by Com'r Breckinridge, testified as follows:

- Q What is your name? A Minor London.
Q Are you a son of this woman here? A Yes sir.
Q How many children has your mother? A She has got 10 altogether.
Q How many of these are under 21 years of age? A Two.
Q Are these two unmarried? A Yes, sir.
APPLICANT recalled:
Q How long have you lived in the Cherokee Nation? A Been living there all my life.
Q You ever been out at all? A Yes, sir.
Q You out during the war? A Yes, sir, I was sent out before the war, down south.
Q Down to Texas? A Yes, sir.
Q Did they bring you back after the war? A I come back after the war.
Q What time did you come back? A I come back as near as I can recollect just after this here treaty, I just heard them talking about the treaty, that's all I know about it.
Q You think you came back in the year '92 then? A Yes sir.
Q Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q What was it you belonged to? A I belonged to Lewis Rogers.
Q Was he a well known citizen of the Cherokee Nation? A Yes, sir, he ought to be, he has been here long enough.
Q Give me the name of your father? A My father was named Sophie and Peter.
Q Your father wasn't named Sophie was he? A That was my mother.
Q Your father was what I asked you about? A Peter Rogers.
Q Is your father dead? A I don't know, sir, they sold them to Mr. Hall.
Q Was before the war? A Yes sir.
Q Give me the name of your mother? A Sophie Rogers.
Q Did she belong to Lewis Rogers? A Yes, sir.
Q Is she dead? A I don't know sir.
Q What became of her? A She was sold to Mr. Hall too.
Q Was in Texas or there? A Sold out on Betty's Prairie.

Sarah London - 2.

- Q Was she sold so as to go out of the Cherokee Nation? A No sir, she didn't go out of the Cherokee Nation then, she was sold to a citizen.
- Q Was Mr. Bell a Cherokee citizen? A Yes, sir, Mr. Bell was a Cherokee citizen, I see his son here.
- Q Were you sold to Mr. Bell too? A No sir.
- Q They kept you? A Yes sir.
- Q You stayed with Lewis Rogers? A Yes sir.
- Q How many times have you been married? A Once.
- Q When were you married? A I couldn't tell you.
- Q Did you marry before the war? A No sir, since the war.
- Q Pretty soon after the war? A Yes sir.
- Q What was the name of your husband? A Ed London.
- Q Is he dead? A No sir, he is living.
- Q He is a state man? A No sir, he is a Creek.
- Q Is he enrolled as a Creek? A Yes sir.
- Q Did you ever apply to enroll as a Creek? A Yes sir.
- Q They didn't enroll you? A Oh, you say did I apply?
- A Yes? A No, sir.
- Q Did you ever apply to be enrolled in any other nation except the Cherokee? A No, sir.
- Q You and Ed London still living together? A Yes sir.
- Q How long have you been living in Muskogee? A Right smart while, I couldn't tell you exactly how long, I stayed out in Brushy Mountain a long time.
- Q Did your husband ever live with you in the Cherokee Nation? A Yes sir, we lived in Brushy Mountain a long time.
- Q Have you got any home in the Cherokee Nation? A No sir, just working around there in Muskogee.
- Q What are the names of your two youngest children? A Levi and Ham.
- Q How old is Levi? A I couldn't tell you.

Witness, MINOR LONDON, re-called, and further examined, by Commissioner Beekinridge.

- Q How old is your brother Levi? A 17.
- Q What is the name of the next child to Levi? A Ham.
- Q How old is Ham? A 16.
- Q Ham is the youngest of the children? A Yes sir.
- Q There are no others that are 21, all the others are over 21? A Yes, sir.
- Q Are these two children both living now? A Yes sir.
- Q Where are they living, in Muskogee with their mother? A Yes sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.
Karna-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 128 #3200, Sarah Rogers, Coowasee District;
page 128 #3210, Levy Rogers, Coowasee District;
page 128 #3211, Ham Rogers, Coowasee District.

The remainder of testimony in this case is continued by stenographer Charles van Vels.

M. B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Signed, M. B. Green.
Subscribed and sworn to before me this June 11, 1901.

Sarah London - 8.

Signed, T. B. Needles,
Commissioner.

Continued from Standgrapher M. D. Green.
At Chelsea, I.T., June 7th, 1901.

HEN GRIMMETT, being sworn as a witness by Com'r S. R. Brock-
inridge, testified as follows for the applicant:

By Commissioner:

- Q What is your name? A Ben Grimmett.
Q How old are you? A About 65 I guess, maybe older.
Q What is your postoffice? A Nowata.
Q Do you live in the Cherokee Nation? A Yes sir.
Q How long have you lived here? A Raised here.
Q Were you out of the Cherokee Nation during the Civil war? A Yes sir.
Q Where to? A Kansas.
Q Do you know the applicant here? A Yes sir.
Q What is her name? A Sarah.
Q Sarah what? A Rogers.
Q She is married now isn't she? A I don't know nothing about her marriage. I don't live by her.
Q Did you know her before the war? A Yes sir.
Q Was she a slave? A Yes sir belonged to Lewis Rogers.
Q Was he a Cherokee citizen? A Yes sir.
Q Was she living here in the Cherokee Nation when the war broke out?
A Yes, sir.
Q When did you come back from Kansas? A In '63.
Q Did you know this woman in slavery days? A Yes sir, I used to see her.
Q Did you know her at that time? A Yes sir.
Q Did she live in your neighborhood? A No sir she lived about, to my knowledge about 18 miles from me.
Q When did you first see her when the war closed? A First at Fort Gibson.
Q How long after you got back here? A I just had got back, about three weeks after I came back.
Q Are you on the roll of 1860? A Yes sir.
Q What was before her marriage? A Yes sir, she wasn't married when I seed her.
By Mr. Davenport for the Cherokee Nation:
Q Did you ever live in Tahlequah district? A Yes sir.
Q Was you ever up there before the court for anything? A Not as I know of.
Q Don't you know you was before the court for stealing and convicted and whipped publicly at Tahlequah? A Not as I know of.
Q Was you or was you not convicted and publicly whipped by the Sheriff of Tahlequah for stealing? A I went answer nothing that wasn't done lawfully, I went answer nothing that was just done to keep my vote out, anything that was done lawfully I will answer.
By the Commissioner:
Q You don't want to give in testimony to your own hurt, is that it?
A It would not hurt me, no sir; if it was lawful I would answer.
By Mr. Davenport: We except to the Commissioner's ruling in this.
By Mr. Davenport of the witness:
Q When did you leave the Cherokee Nation to go to Kansas? A Time or the
Q Do you know where this woman was living at the breaking out of the war? A Yes sir.
Q Where was she living? A She was living - I think in Beingswata.
Q Do you know? A Yes sir she was living there.
Q In Beingswata? A Yes sir.
Q Was she a slave of Lewis E. Rides at the breaking out of the war?

Sarah London - 4.

Q Was she a slave of Lewis T. Ridge at the breaking out of the war?
A Yes sir.

Q Where was Lewis T. Ridge living at the breaking out of the war?
A I don't know.

Q I will ask you if you don't know that he was a citizen of the state of Arkansas at the breaking out of the war and was not living in the Cherokee Nation at all then? A I don't know as he was living there.

Q Was or wasn't he not a citizen of the state of Arkansas and residing there then? A I can't tell you that.

Q You hadn't seen him for some years in the Cherokee Nation before the war broke out had you? A I hadn't seen him just before the war.

Q How long before the war broke out that you saw Lewis T. Ridge in the Cherokee Nation? A About 20 years.

Q Then you have no idea whatever as to where this woman was living and where Lewis T. Ridge was living when the war broke out? A I used to see this woman.

Q But that was some years before the war broke out? A Not right in the neighborhood where I was living, but I seen her.

Q You know as a matter of fact don't you, that Lewis T. Ridge and his family did not live in the Cherokee Nation for a long time prior to the breaking out of the war, and that the Lewis T. Ridge family are not recognized citizens of the Cherokee Nation to-day? A No, sir, I don't.

Q Did Lewis T. Ridge have any children? A Yes sir, if I am not mistaken, I never was never to his house, just seen the colored people that he owned.

Q Where did you see the colored people that he owned if you were never at his house? (No response.)

Q Give me the name of one of Lewis T. Ridge's children? A I can't give the names.

Q Did he have a boy named William Cornelius? A Yes sir I guess it was.

Q You know he had one son? A Yes sir.

Q Do you know where William Cornelius is living now? A I don't know.

Q You claim to have seen this woman where after the war? A At Gibson.

Q How old was she? A I don't know.

Q Was she a child then? A No sir a woman.

Q Grown woman? A Yes sir.

Q How long did you stay with her when you were at Fort Gibson?
A I didn't stay with her.

Q You were living in Tahlequah district before the war weren't you?
A No sir in Flint.

Q Who was she living with when you saw her at Fort Gibson right after the war? A There was three women staying there together.

Q What was her name then? A Sarah.

Q Sarah what? A Opps.

Q Did she say then if she had ever left the Cherokee Nation during the war? A No sir I never asked her.

Q You didn't ask her where she had been living after the war broke out? A No sir.

Q That was just after war times and you colored folks were all coming back and meeting one another again, and yet you say you didn't ask her where she had been all through the war? A I was not then meeting people, I was selling and trafficking.

Q You don't know if this was '68 or '69 that you saw this woman in Fort Gibson do you? A I hadn't been there long.

Q Well you don't know when it was that you got back yourself do you?
A Yes sir.

Q When was it? A In Dec, in the spring.

Q How do you know it was? A I was told it was.

Q Was it before or after the treaty? A I was inside of the treaty.

Sarah London - 5.

Q Did you come back before or after the treaty was made? A Yes sir I guess I did.

Q Well which was it? A I don't know nothing about the days of the months.

Q But you would know if it was before or after the treaty was made - had you heard of the treaty having been made when you returned? A Never heard nothing about it then.

Q Did you come back in the fall or in the spring of the year? A In the spring of '66 I tell you.

When you got back to Fort Gibson, did they tell you about the treaty? A No, sir.

Q What made you come back then? A I was born and raised here and wanted to get back to my old home, I loved my home and wanted to get back to it, didn't know no other place but this as my home.

Q Was the war over? A Not quite done yet cause there was still soldiers here.

Q The troops were still here were they? A Yes sir.

Q Do you know what year this is? A No sir I don't.

Q Don't know anything except '66 do you? A Yes sir, but I don't know anything about your high language.

DAVID MARTIN, called and sworn as a witness, testified as follows on the part of the applicant: Examined by the Commission:

Q What is your name? A David Martin.

Q What is your age? A 64.

Q What is your postoffice address? A Coffeyville.

Q How long have you lived in the Cherokee Nation? A All my life only when I was out during the war.

Q Are you on the roll of 1860? A No, sir.

By Mr. Davanport:

Q What do you know about this woman? A I knowed her owners.

Q How long before the war? A All my life.

Q Where were they living before the war? A On Sallisaw.

Q Who were her owners? A Lewis Ridge.

Q Did he have a "T" in his name? A No sir, that was his son.

Q Sometimes called "Osage Tom"? A Yes sir.

Q He had a son called Cornell? A No sir, he had, John, Hens, Pole and Tom. Tom was the oldest, John next, Pole next, and Hens was the youngest.

Q Do you know where this woman was during the war? A No sir.

Q How long before the war did you see her? A In '59.

Q Where was you living then? A With Joe Martin, right joining places, he had her young missus for a wife, we were together all the time.

Q Do you know where the Ridges went? A No sir.

Q Are you able to state if they left the Territory? A No, sir, I cant.

Q Where did you see this woman after the war closed? A Never saw her again until I saw her at the Wallace court.

By Commission:

Q You say that you lived on adjoining places to where this woman lived? A Yes, sir, and some of the time on the same place.

Q Where did you go to during the war? A Kansas.

Q When did you go to Kansas? A I went to Kansas in '61.

Q What time in '61? A I left in February of '61 - I was in the woods scouting since '59.

Q How does it happen that you did not see this woman from '59, until the Wallace court, and that you did not know where she went during the war if you lived on adjoining places to her? A Well you see I was not at home from '59, I was in the woods scouting, and from what I learned they taken this woman south during the war and I went north.

Q Why didn't you see her from '59 until '61 when you went to Kansas?

Sarah London - 4.

A I was not at home, I was in the woods scouting all the time.

APPLICANT recalled and examined by the Commission:

Q Who did you come back with to the Cherokee Nation? A With a whole passel of folks.

Q Do you know if any of them are alive yet - them with whom you returned to the Cherokee Nation? A No sir it has been so long since then that I don't know if any of them is alive yet or not.

Q Were you taken out into the state of Texas? A No sir, Arkansas.

Q Where in Arkansas? A A place called Fulton.

Q What did you do down there - make crops? A No sir, I was cookin

Q When did you first go to Fulton? A Just a little before the war.

Q About how long before the war? A I can't tell exactly how long.

Q Were you cooking in a private family there? A Yes sir.

Q Whose family? A Mr. Crabtree's.

Q Were you hired to him? A Yes sir.

Q Who went with you to Fulton? A A whole routine went - they carried us.

Q Did you stay there about Fulton until you came back to the Cherokee Nation after the war? A Yes sir.

Q Where was your master Lewis Ridge at that time? A He was dead himself before the war.

Q Who claimed you as an owner? A Mrs. Ellen Ridge.

Q Where was she when you were at Fulton? A She was here in the Nation.

Q Did she have many slaves? A Yes sir a good many, she had my sister.

Q Who had charge of you when you went to Fulton? A I don't remember his name.

Q What was he? A One of them was a Cherokee, he was the man that carried us there.

Q Was he a farmer or a planter? A I don't know.

Q Did he claim to own you? A Yes sir.

Q What was his name? A Crabtree.

Q Was he a Cherokee man? A No sir.

Q Was he an Arkansas man? A Yes sir.

Q Did he own you when you went to Fulton? A Yes sir he said that I belonged to him.

Q He took you to Fulton did he? A Yes sir, and lots of us come back.

Q Did you live with this man Crabtree until you were set free by the war? A Yes sir they were Creeks.

Q Who was Creeks? A Mr. Crabtree's folks.

Q Did you know Crabtree before you belonged to him? A No sir.

Q Did you know where he lived before you belonged to him? A No sir.

Q Did he have a home there at Fulton? A Yes sir.

Q Did he live in town or in the country? A In the country.

Q Did he have a farm there? A Yes sir.

Q Did he have slaves there before you came there? A Yes sir he had a whole passel of them, all Indian darkeys.

Q Who many did he have? A I don't know.

Q Did you find them there at work when he brought you there? A Yes sir.

Q Did they tell you where they had come from? A Yes sir they all come from the Nation.

Q Did Crabtree have a wife? A Yes sir.

Q What was her name? A She was a Creek.

Q What was her name? A Celis.

By Invergent:

Q Was that the same Crabtree family that lives in Muskogee?

A Yes sir, Bent and Jim.

Q Did they have a brother named Ben that lived at Fulton? A A young

Sarah London - 7.

By the Commission:

Q Who is there here that knows of your being married to Ben London?
A I can call any one of them.

JOHN ROSS, called and sworn as a witness, testified as follows for the applicant:

By the Commission:

Q What is your name? A John Ross.
Q How old are you? A 30.
Q What is your postoffice? A Muskogee.
Q Do you know the applicant here? A I have known her about ten years.
Q She is married is she? A Yes, sir.
Q What is the name of her husband? A Ed London.
Q Has she been living with him as his wife ever since you have known her? A Yes, sir.
Q They have a lot of grown children have they? A Yes sir.
Q You know the family do you? A Yes sir.

APPLICANT recalled and examined by Mr. Ravenport:

Q You own property there in Muskogee now do you? A No sir, I am working there is all.

By Com'r Brackinridge:

The applicant applies for herself and two children who are minors. She is identified on the Kern-Clifton roll but not upon the roll of 1889 or that of 1893. It appears from the testimony that she was at one time a slave of a Cherokee citizen, but that she was sold prior to the war to a man, presumably a Greek, who lived near what is now known as Fulton, Arkansas, and that she was there taken before the breaking out of the Civil war, and lived there until she was set free by the war. She claims to have come to the Cherokee Nation in the year 1866. This is confirmed by two witnesses cited in the case, but her testimony is vague and does not convey an impression of being reliable; however, it appears that she has lived in the Cherokee Nation ever since she returned, except some years in the Creek Nation. Her change of name arising from marriage is established in a satisfactory manner. Giving her the benefit of any doubts that may exist at this time, she will be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision will be made known to her at her postoffice address. As for her two children, Levi and Hester, they are both minors and are living at this time; they are identified on the Kern-Clifton roll but not upon the roll of 1889; their claim is only through their mother as their father is a Greek; it is stated that neither the applicant nor any of the children have ever been enrolled as Greeks, the only application that has been made for them being for enrollment as Cherokee freedmen; those children will be listed for enrollment as Cherokee Freedman on a doubtful card to await the termination of the status of their mother, through whom they claim. The final decision of their case will be made known to her mother at her postoffice address.

Chas. von Walze, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above cases from page 1 inclusive, and that the same is a full and correct transcript of his stenographic notes.

P
I
I

COMMISSION TO THE CHIEF CHIEFED, ABIBES
DEPARTMENT OF THE INTERIOR

NOT SO
FILED

JOHN CHIEF

James C. Garside



Sarah London - 8.

thereof.

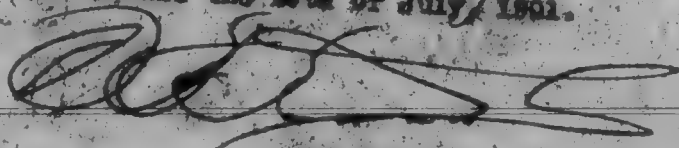
signed, Chas. von Weiss,
subscribed and sworn to before me this the 18th of June, 1901, at
Morata, I.T.

signed, F. B. Needles,
Commissioner.

Bruce G. Jones, stenographer to the Commission to the Five
Civilized Tribes, being duly sworn, says that he copied the foregoing,
and that the same is a true and correct copy from the original.

Bruce G. Jones

sworn to and subscribed before me this the 20th of July, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 19, 1901.

In the matter of the application of Miner London for enrollment
as a Cherokee Freedman:

Miner London, being duly sworn and examined by Commissioner
Baker Brackinridge, testified as follows:

- Q Give me your full name? A Miner London.
Q How old are you? A 36.
Q What is your post office? A Muskogee.
Q In what district do you live? A Doonawadawee district.
Q What are you doing getting your letters at Muskogee if you live
in Doonawadawee district? are you down at Muskogee at this time?
A Yes, sir.
Q Do you claim your home to be in Doonawadawee? A Yes, sir.
Q Who is it that you want to have put on the roll? A Just myself.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you born in the Cherokee Nation? A Yes, sir.
Q How long have you been living at Muskogee? A About eight years.
Q Did you ever live out of the Cherokee Nation in any other place
than Muskogee? A No, sir.
Q Give me the name of your father? A Ed London.
Q Is he living? A Yes, sir.
Q Give me the name of your mother? A Sarah London.
Q Is she living? A Yes, sir.
Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.
Q What roll? A On the Kern-Clifton and the Wallace roll; it is
Rogers on the roll.
Q How does it happen to be Rogers? A Neither just happened to
have them enrolled that way.
Q Just as a fancy, and for what reason? A That was her old name.
The 1880 authenticated roll of the Cherokee Freedmen examined
and the applicant not identified thereon.
The 1890 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.
Q Are you on the Kern-Clifton roll as Rogers or London? A As
Rogers.
The Kern-Clifton roll examined, and the applicant identified
thereon, page 128, No. 3214, Doonawadawee district, as Miner
Rogers, 24 years of age.
The Wallace roll examined and the applicant identified thereon
page 194, No. 3215, as Mina Rogers, district not given.
Q How does it happen you are not on the roll of 1880? A I don't
know, sir.
Q How does it happen you are not on the census roll of 1890? A I
don't know.
Q Have you ever applied to be enrolled by any other tribe or
Nation except the Cherokee? A No, sir, not outside of this Nation.
Q You never applied to be enrolled as a Creek? A No, sir.
Q Have you anybody here who knows that you are the child of
Sarah London, or Rogers? A Yes, sir, my mother is here.

Sarah London, being duly sworn and examined by Commissioner
Brackinridge, testified as follows:

- Q Give me your name? A Sarah London.
Q What is your post office? A Muskogee.
Q Were you a slave in the Cherokee Nation with the war slave roll?
A Yes, sir.
Q How long did you belong at that time? A About 18 years.
Q You are married now are you? A Yes, sir.
Q What is the name of your husband? A Ed London.

Miner London - 2.

Q Have you been put on the rolls as Negro? A Yes, sir.
Q Is this applicant here your wife? A Yes, sir.
Q Is he a son of your marriage with Ed London? A Yes, sir.
Q Son of this husband? A Yes, sir.
Q Where was he born, this young man? A He was born in the Cherokee Nation.
Q How long has he lived in the Muskogee? A I can't tell you how long he has been in Muskogee.
Q About a number of years, hasn't it? A Yes, sir.
Q About how long? A I can't tell you exactly how long he has lived in Muskogee.
Q As much as eight years? A Yes, sir, I expect it was about that, because we stayed on Brushy Mountain a long time.
Q Brushy Mountain is in the Cherokee Nation, isn't it? A Yes, sir.
Q Well now, except the time spent in Muskogee, where has he lived? A I don't remember him living anywhere else, because they grown up right on Brushy Mountain and Muskogee and Fort Gibson.
Q Has he lived in the Cherokee Nation all his life except when he has been in Muskogee? A Yes, sir.
Q Have you ever applied to have him enrolled as a Creek Freedman? A No, sir, never did.
Q Only as a Cherokee? A Yes, sir, when I enrolled them I enrolled them as Cherokee.
Mr. Davenport: You say this boy has never lived outside the Cherokee Nation excepting Muskogee? A Yes, sir, and on Brushy Mountain.
Q Where is he living, he and his brother, at the present time, when they are not here enrolling? A In the Creek Nation.
Q What is the other brother's name that stays with him? A Billy.
Q How long since he and Billy came from Denison, Texas? A It has been a good while.
Q How long did they stay in Muskogee after they left Denison before they went to Kansas City? A I can't tell you.
Q They did go to Kansas City after that, went to Kansas City and lived? A They didn't go to live, of course they were hunting work, when they are not here in the Cherokee Nation they are working.
Q They are making their home in Kansas City now? A They go there and work.
Q There is where they stay? A No, sir, they don't stay.
Q Are they men of families? A No, sir, they have got no families.

Miner London, recalled, testified:
Commissioner: When did you go down to Denison, Texas? A I went down there last May.
Q Was that the first time you ever went down there? A Yes, sir, that was my first.
Q Did you get work down there? A Yes, sir.
Q What kind of work did you do down there? A Hotel work.
Q What hotel? A Mrs. Brown's hotel.
Q How long did you work down there? A I worked down there about nine months.
Q Have you ever been in Texas except that time? A No, sir, that was my first.
Q Well, when you left there, where did you go? A Came back home.
Q When did you go to Kansas City? A I went to Kansas City this winter.
Q What have you been doing up there? A Working.
Q What kind of work? A Packing house work.
Q Were you ever in Kansas before this time you speak of now, before you went there last winter? A Yes, I have been there.
Q How many times have you been there before? A This makes about

Minor London - 3.

the second time.

Q When was it you went there before? A I went there, it has been about three or four years ago.

Q Well, what did you do when you went there then? A I was up there working, working on a sewer there at Parsons, Kansas.

Q How long did you work up there that time? A Worked up there about six months, stayed there and worked there about six months.

Q What job have you got now in Kansas City? A I was working in a packing house there.

Q When did you leave there? A I left there about a week ago.

Q When are you going back there? A Well, I can't know whether I will go back at all.

Q Did you give up your job? A Yes, sir, I gave it up.

Q Did you ever vote in Texas or up there in Kansas? A No, sir.

Mr. Davenport: How long since you gave up your job in Kansas City?

A Been about a week.

Q What packing house did you work with? A Swartschild & Sulzberger.

Q You gave up your job for a time to come back down here to the enrollment? A No, sir, I quit.

Q Didn't they write you to come and meet them here at Chelsea to enroll? A No, sir.

Q Why didn't you tell Major Brookbridge when you told him your post office was Muskogee, that you had lived at Denison and Kansas City, instead of telling him you hadn't lived anywhere besides the Cherokee Nation? A I wasn't asked.

Q He asked you where you had lived other than Muskogee, and you told him nowhere except Muskogee? A I said outside of the Creek Nation, I wasn't living up there, I was working up there.

Q You don't make your home at Muskogee? you don't claim to be a Creek citizen? A No, sir, just staying there, that isn't my home.

Q What claim have you got on Choctawhatchee district? you said you didn't was Choctawhatchee? A I haven't got my claim at all.

Q You haven't got nothing in Choctawhatchee district in the way of property or anything else? A No, sir.

Commissioner: The applicant is identified on the Kohn-shirt on roll and on the Wallace roll. He is 36 years of age. He is not identified on the 1880 roll, or on the roll of 1890. It is stated that he was born in the Cherokee Nation, and that he lived in the Cherokee Nation all his life except some eight years that he has lived in Muskogee. It is developed from subsequent examination that according to the testimony, he lived some nine months in the state of Texas, and also has lived at two periods in the state of Kansas.

Mr. Davenport: Was it Kansas City, Kansas, or Kansas City Mo., you were living in? A Kansas City, Kansas.

-- but apparently not for as long a period either time as was embraced in his stay in the state of Texas. He affirms that he never voted in either Texas or the state of Kansas. It is not considered that the questions originally put to the applicant were fully and frankly answered. He will now be listed for enrollment as a Cherokee Freedman on a doubtful claim, and for further evidence in his case, there will be filed herewith the testimony in the case of his mother, Sarah London, Cherokee Freedman, husband case 3-57, which will determine the applicant's original rights as a freedman under the treaty of 1866, he being the child of said Sarah London, and her living husband, M. London. In connection with the testimony elicited and that just referred to, there will be also considered the work showing of the applicant's residence

After hearing & c.

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is stated. Final decision of the Commission will be made known to the applicant at his next office address.

Since G. Jones, being duly sworn, says that the stenographer of the Commission in the Five Civilized Tribes has correctly recorded the proceedings and testimony on the above case, and the foregoing is a true and correct statement of his statement and notes taken.

James H. Jones

Sworn to and subscribed before me this 19th day of June, 1901.

[Signature]

Commissioner

To be filed in S.F.-D. 444, Minor London.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

SUPPLEMENTAL EXHIBIT in the matter of the enrollment of
SARAH LONDON et al as Cherokee Freedmen, introduced on part of
the Cherokee Nation.

APPEARANCES:

Applicant present in person.

Mr. W. Hastings, for Cherokee Nation.

CALVIN McGERMICK, being sworn and examined by Commissioner
Brockinridge, testified as follows on behalf of Cherokee Nation:

Q What is your name? A Calvin McGermick.

Q How old are you? A About 32 years old.

Q What is your postoffice? A Muskogee.

Q Do you live in the Cherokee Nation or do you live in the Creek
Nation? A No, sir, I live in the Creek Nation.

Q Where were you born? A I was born in Arkansas.

Q What part of Arkansas? A I was born pretty close down to Pul-
ton, Arkansas.

Q Where did you come from to the Territory? A Pulton, Arkansas.

Q When? A Five or six years ago.

Q And before that did you live all your life about Pulton?

A Yes, sir, right around Pulton.

MR. HASTINGS: Mr. McGermick, what did you give as your age, I
didn't understand it? A 32 years old, I am close to 32, or 3
years old.

Q Were you ever married? A Yes, sir.

Q What was your wife's name? A Married her by the name of Bettie
Rogers.

Q Did she go by the name of Rogers prior to your marriage?

A That is the name she was going in when I went to see her and I
married her.

Q Did you know your wife's mother? A Yes, sir.

Q What was her name? A Sarah London.

Q Where did you first know Sarah London? A I first got acquainted
with her in the town of Pulton, Arkansas.

Q Was that before or after you married her daughter? A It was
before.

Q How long had you known Sarah London before you married her daugh-
ter? A Well, give you as close as I possibly can, I think it
must have been two or three years, or probably four, it was somewhere
close to about that.

Q Where was she living when you first knew her? A She was living
in Pulton.

Q Arkansas? A Yes, sir.

Q What was her husband's name? A His name was M. London.

Q You knew her three or four years before you married her
daughter? A Yes, sir.

Q Now, how long did you know her after you married her daughter?

A Well, I guess it must have been somewhere about a year or two
after I married her, I don't know the exact time, I guess it was
close about that time.

Q Did she leave down there or you, which left first? A No, sir,
she left me there, said she was going to the Territory, some-
times she left me there.

Q What was your wife's given name? A Given name was Bettie.

Q When did she first come to the Territory? A Let's see she
came here in the year they discharged the payment down here, that

is the year she come down there.

Q You have reference to the strip payment? A Yes, sir.

Q About how many years ago? A I don't know, it has been I guess just about how many years it has been.

Q Well, five or six years ago? A Yes, sir, fully that long.

Q Do you mean that payment? A Yes, sir.

Q Do you remember the year that you were married? A No, sir, I don't know exactly.

Q Where were you married? A I was married down at Fulton.

Q How old is your oldest child? A He is about 18 or 19 years old.

Q You married of course before that child was born? A Yes, sir.

Q That was your first child? A Yes, sir.

Q Did you know the rest of Sarah London's family? A Yes, sir.

Q Do you know some of the other children? A Yes, sir.

Q Name them. A She had a child named Mina London, that is a boy, and another one by the name of Billy London, he is a boy; she has got one named Sam, I think he is a boy, and Tub, I think he is a boy. She has got two daughters.

Q Was Ed London the father of your wife? A No, sir.

Q That was this woman's second husband? A I don't know, that was the only husband I knowed of.

Q That was not the father of your wife? A No, sir.

Q Steppather? A Yes, sir.

Q Was Sarah London and Ed London living down there keeping house when you knew them? A Yes, sir.

Q You remember whether or not Sarah London was there when your first child was born or not? A Yes, sir.

Q Now, I will ask you to look at this applicant here and see if that is the same Sarah London you are talking about? A This lady here. (Referring to applicant.)

Q Yes. A Yes, sir.

COM'R BRECKINRIDGE: You say you married your wife Bettie, daughter of this Sarah London, down at Fulton, Arkansas?

A Yes, sir.

Q That was a year or such a matter before your 18 year old child was born? A Yes, sir.

Q Then you and Bettie have been married some 18 or 20 years ago somewhere along there? A Yes, sir.

Q Where was your wife's mother living then? (No response.)

Q Was she down there at Fulton when you married that daughter Bettie? A Yes, sir.

Q She was there? A Yes, sir; it seems to me like she was there.

Q How long did you and your wife lived at and about Fulton?

A We have always lived there; Sarah London lives from the time we was married up until the time she came down here to this payment and then we separated.

Q Some six or seven years ago? A Yes, sir.

Q Where was your wife's mother during all that time, this woman over here? A She left them down there, she was there a short while as I said a while ago and then she left to come to the Territory.

Q A short time after you married? A Yes, sir.

Q And then came to the Territory? A Yes, sir.

Q Have you ever seen her back there from that day to this?

A No, sir.

Q What do you know about her being there at Fulton before you and your wife married? A I don't know about her being out away from there and going back down after we was married.

Q Did you know of your wife's mother back there before you and your wife married? A No, sir.

Q You don't remember her there before you and your wife were married? A Before we was married; yes, sir, I was acquainted with her before I and her was married.

Q When did you first see your wife's mother? A I first seen her

at Fulton, Arkansas.

Q How long was that before you married her daughter, Bettie?

A Oh, it was about two or three years.

Q Well, now did your wife's mother live there at Fulton from the time you first saw the old lady until you got married? A Yes, sir; around about there, working.

Q You don't know anything about her leaving there and coming to the Territory during that time? A No, sir.

Q Then you say she lived there and about there a short time after you and your wife married? A Yes, sir.

Q About how long? A Two or three years.

Q And it was your understanding that she came to the Territory?

A Yes, sir, and I never saw her until I came here myself.

Q And you then saw her in the Territory? A Yes, sir.

SARAH LONDON, the applicant, recalled, testified as follows:

Q You have listened to this testimony, now if you want to ask this witness any questions you may do so? A No, sir, I don't know what to ask him.

Q Well, has he made any mistakes in what he said? A I don't know what to say.

Q You have heard him say everything, is there anything you want to correct and say where it was wrong? A No, sir, he is perfectly right, of course he married my daughter when I went down there, after I went down on the river.

Q How long did you know this man before he married your daughter, Bettie? A I knowed him I reckon about three years.

Q And did you live there in and about Fulton from the time you knew him until he married your daughter, Bettie? A Yes, sir, lived around there at Mrs. Adams.

Q And how long was it before this man married your daughter and came to the Territory? A I reckon it was about three years.

Q Just like about like he says? A Yes, sir.

Q Well, now had you been there about Fulton all the time from the time you left the Territory until you came back after your daughter Bettie married? A Yes, sir.

Q When you came back after your daughter Bettie married that was the first time you came back to the Territory after you left? A Now, listen to me good, I came here first before I ever knowed this boy and got Bettie and married her from here down there with me.

Q How long did you stay here when you got Bettie? A I never get down on the river with her until she and Neely was grown.

Q So you had made that trip back here after you first left?

A Yes, sir, when I first left here I come back here and got this child; I left this child when I was sent off and went back there and stayed there until this girl married and then I come back here.

Q And that is all the going and coming that was done? A Yes, sir.

Q How old was Bettie when you came and got her? A I think she was about four years old, she was a little bit of a thing.

Q How old is Bettie now? A I could not tell you how old she is.

Q Where was Bettie born? A Betsy was born in slave time.

Q Before the war? A Yes, sir.

Q How long before the war? A Well, I can tell you when Miss Ellen sent for me Betsy was a little girl just commencing to walk,

and the black folks wasn't free then.

Q Now, was the war over when you came back and got Betsy? A When I came and got Betsy the war was over.

Q Well, how long before the war was it Betsy was born? A I don't know how long it was, Betsy was a child, she was about that high (indicating) when I taken her away from here.

Q When you took her with you? A Yes, sir.

Q You mean about four years old? A I reckon she was.

Q Which came out here first when you came out here to look, you or your husband, Ed? A Ed came first.
 Q About how long before you came? A Ed came out here and stayed a year, I don't know whether he stayed a year before I came because I didn't make any crop that year before I came.
 Q Did you go over in Canadian district near Mr. Lowrey's and Smith's?
 A Yes, sir.
 Q That is where you first came? A Yes, sir.

HENRY C. LOWREY, being duly sworn and examined by Commission-
 er Breckinridge, testified as follows, on behalf of the Cherokee
 Nation:

Q Give me your full name, please? A Henry C. Lowrey.
 Q How old are you? A 32.
 Q What is your post office? A Muskogee.
 Q You live in the Cherokee Nation, do you not? A Yes, sir.
 Q How long have you lived in the Cherokee Nation? A About
 15 years, all my life nearly excepting the time during the war.
 Q Were you born in the Cherokee Nation? A Yes, sir.
 Q You lived there all your life then except during the war?
 A Yes, sir.

MR. HASTINGS: Mr. Lowrey, did you know a colored man in Cana-
 dian District by the name of Ed London, whose wife was Sarah? A
 Yes, sir, I used to know him when he lived there, I don't live
 there now.

Q I will ask you to look at this woman and see if this is the woman?
 A Yes, sir, that is Sarah London.
 Q About when did you first know her husband, Ed London?
 A I think about '84 or '85, along there somewhere.
 Q Where did you know him and in what circumstances?
 A They moved in our neighborhood, Canadian district.
 Q Which came first? A The old man.
 Q And about how long until his wife and family followed?
 A I don't know, it may have been a year, I don't know what time he
 came in the spring something like a year.
 Q Did you know from him where his family was? A Just what he
 said.
 Q What did he say about it? A They said they was on the line of
 Arkansas and Texas, near Texarkana.
 Q His family came out you say about a year after he came?
 A Yes, sir.
 Q What was your first acquaintance with them? A Yes, sir.
 Q How long did they live in your neighborhood there? A About two
 years.
 Q And then where did they go? A Went to Muskogee.
 Q Have they lived about there since then? A Yes, sir, I have saw
 part of the family all the while there, especially the old man.
 Q Do you know anything about his making arrangements to send for
 his family? A Oh, yes, that is they were talking about going for
 their family; he said they were coming from Texas.
 Q You mean Texarkana? A Yes, sir, and he was making arrangements
 with his brother-in-law to go after them; he lived with his brother-
 in-law right by me, and I say they lived close to me, a mile and a
 half, after they first came in.

SARAH LONDON, the applicant, recalled: Com'r Breckinridge:
 Q Now you have heard Mr. Lowrey's testimony, do you want to ask
 him any questions? A No, sir.
 Q Has he made any mistakes that you want to correct? A No, sir,
 none at all.

MCCOY SMITH, being duly sworn and examined by Commissioner Breckinridge, testified as follows, on behalf of Cherokee Nation:

- Q Give me your full name, please? A McCoy Smith.
 Q How old are you? A 34.
 Q What is your post office? A Braggs, Indian Territory.
 Q How long have you lived in the Cherokee Nation? A 34 years.
 Q All your life? A Born and raised here, yes, sir.

MR. HASTINGS: You know the applicant here, Sarah London?

- A Yes, sir, I know her.
 Q Did you know her husband, Ed London? A Yes, sir.
 Q Smith, how long have you known either or both of them? A I have known Sarah 14 years.
 Q Which did you know first, she or her husband? A Her husband.
 Q Where did you first see her husband? A There in Coosawhatchie Bend, just above Mountain, about two miles above Braggs Mountain.

- Q What district? A Canadian.
 Q There is a Coosawhatchie Bend in Canadian? A Yes, sir.
 Q Well, did he have his family there then? A No, sir, not when I first saw him.
 Q Do you know where his family was? A He said they were down at Texarkana.

- Q Well, did you afterwards see his family? A Yes, sir.
 Q About how long after you first saw him? A About a year.
 Q Texarkana, Arkansas? A Yes, sir, that is the place.
 Q And about a year afterwards you saw the applicant and family?
 A Yes, sir.

- Q Is that the first time you ever saw the applicant? A Yes, sir.
 Q How long did they live in that neighborhood by you? A They were there about two years, and they moved up to Muskogee, and they went, I think they moved in the spring and that fall they came back down there to pick cotton, down in the neighborhood there.
 Q How far did they live from you when they first came up in there?
 A She came to her brother-in-law's first, that is a little more than a quarter of a mile, and stayed I don't know how long to Braggs Mountain, about a mile from me and lived there about a year and the second year following from that lived right down in the hollow, six or seven hundred yards of my place.
 Q You knew the family well? A Yes, sir.
 Q Do you know who moved them up there? A I think it was Ed's brother maybe, but I don't recollect his name. Brought them from Muskogee though I believe.

SARAH LONDON, applicant, recalled: Don't Breckinridge:

- Q Sarah London, you have heard this testimony, do you want to ask any questions? A No, sir.
 Q Has he made any mistakes now that you want to correct? A No, sir.

FRANK SMITH, being sworn and examined by Commissioner Breckinridge, testified as follows, on part of Cherokee Nation:

- Q Give me your full name, please? A Frank Smith.
 Q How old are you? A 33.
 Q What is your post office? A Braggs.
 Q How long have you lived in the Cherokee Nation? A All my life.

MR. HASTINGS: Mr. Smith, you know this applicant sitting behind you, Sarah London? A Yes, sir, I see her, not very well acquainted with her.

- Q Did you know her husband, Ed London? A Yes, sir.
 Q When did you first see either of them and where? A I saw Ed about '83 on Coosawhatchie Bend on the Arkansas river.
 Q In what district? A Canadian.
 Q Did you see his family after that? A Yes, sir.
 Q About how long? A About a year I guess after he came in there his family came.

Q Do you know where they went from when they came there? A No, sir. I have never had any talk with him.
Q About how long did they live around there? A About year.
Q And then where did they go? A Muskogee.
Q That is about all you know about it? A Yes, sir.

SARAH LONDON, the applicant, recalled: Gos't Breckinridge:
Q Do you want to ask the witness any questions? A No, sir.

J. F. VanHoy, being duly sworn and examined by Commissioner Breckinridge, testified as follows, on part of Cherokee Nation:
Q Give me your full name, please? A J. F. VanHoy.
Q How old are you? A I am 72, be 72 the first day of December next.

Q What is your postoffice? A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A 50 years last Christmas.

MR. HASTINGS: Mr. VanHoy, do you know this applicant, Sarah London? A Yes, sir.
Q Did you know her before the war? A Yes, sir.
Q Where was she first living when you first knew her? A On Spav-
law, at Lewis Rogers.
Q In what district? A In Saline District.
Q About how long before the war was it when you first knew her?
A Oh, it was several years before the war, ten or 11 years somewhere
along there.

Q Are you well acquainted with Lewis Rogers? A Very well, sir.
Q Were you about his place much? A Good deal, sir, I built houses
there.

Q Are you a carpenter by trade? A Yes, sir.
Q Did you know Lewis Rogers' wife? A Yes, sir.
Q What was her name? A Ellen one of them, and the other one was
named Lucy.

Q Was Lewis Rogers alive when the war came up? A No, sir.
Q How long had he been dead before the war? A I do not recol-
lect, but I think Lewis Rogers died about '57, I think so.
Q His wife survived him, lived after him? A Yes, sir.
Q Now, were you about Lewis Rogers' place and his wife's place after
Lewis Rogers' death? A Very often, there was a store there down
a mile from there then; I was one time with the family.
Q Trading point was it? A Yes, sir.

Q Do you know whether Sarah London was there just before the war
came up or not? A Well, they told me they had sold Sarah, that
is what they told me.

Q Who told you? A Tom Rogers and Ellen Rogers.
Q When did they tell you that? A About '58.
Q Did they say to whom they sold her? A Man by the name of Crab-
tree, they said.

Q Do you know where Crabtree lived? A No, sir.
Q Well, did they say? A No, sir, I don't remember.
Q Well, you say you were about Rogers' place frequently a few years
before, immediately preceding the war? A Yes, sir.

Q You didn't see her there? A No, sir, I didn't see her there
I saw her sisters there.
Q When was the first time you saw her since the war? A Well,
sir, it was about '83 or '84 in Canadian District, I was passing a
Belackman's house and saw her and knew her and got over the fence
and had a talk with her.

Q Did she say where she had been? A Yes, sir, she said she had
come back from Arkansas if I remember right.

Q That was about 1884? A Yes, sir.
Q Do you remember whether she went by her present name or not, Lan-
don, or did you just call her Sarah? A I just called her Sarah;

there was a man there she called husband and I guess he was.
Q Did she have some children? A Yes, sir, she had some children but I didn't notice the children; I saw her old man once in a while at Mackagee and talk with him yet and ask him about Sarah.
Q Do you know whether Rogers' wife is alive now or not? A She told me she was dead; that is, her son Tom told me she was.

SARAH LONDON, the applicant, recalled; Com'r Breckinridge:
Q Are there any questions you want to ask the witness? A No, sir.
Q Are there any mistakes he made? A No, sir.

R. L. MARTIN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A R. L. Martin.
Q How old are you? A Going on 54.
Q What is your post office? A Ponserola.
Q In what district do you live? A Delaware district.
Q How long have you lived in the Cherokee Nation? A All my life.
MR. HASTINGS: Did you know Lewis Rogers before the war?

A Yes, sir.
Q What relation, if any, was he to you? A He was my father-in-law; since the war I married his daughter.
Q Did you know a slave that he formerly owned by the name of Sarah? A Yes, sir.
Q I will ask you to look at this applicant and see if you recognize her? A I don't know as I could recognize her, it has been so long since I seen her.
Q What was Lewis Rogers' wife's name? A Ellen, he had two wives at that time.
Q Well, do you know what became of Sarah? A Yes, she fell into my father's hands and he sold her.
Q Well, when did he sell her? A About '88 I reckon, I don't know just exactly the date.
Q Do you know to whom he sold her? A Yes, I think the man's name was Crabtree.
Q Do you know where Crabtree lived? A I understand he lived in Arkansas, I don't know him personally.
Q You have never seen her since, or have you? A No, sir.
Q You have never seen her since the war? A No, sir.

COM'R BRECKINRIDGE: When did you first know this woman, Sarah, how long before the war? A I guess along about '87 or '88, I knew her before the old man Rogers died, I don't know just how long it was I don't know just how long it was.

Q You knew her some time before she came into your father's possession? A Yes, sir.

Q She did belong to Lewis Rogers did she? A Yes, sir.

Q How did your father happen to get possession of her?

A It was by divisions of the estate, his wife was old man Rogers daughter.

Q Your father's wife? A Yes, sir.

Q And you knew Sarah while she was still the property of Lewis Rogers? A Yes, sir.

Q Your father sold her then very soon after he got possession of her? A Yes, sir, I think it was in '88, it may be a little longer.

Q How long did your father have possession of her?

A I don't know, it could not have been long, I think old man Rogers died in '87.

Q How far did your father live from Lewis Rogers? A At the time he died I think he lived right there, but he moved away about ten miles.

Q Did this woman leave the farm of Lewis Rogers and come over to your father's house? A Yes, sir.

Q When and lived with your father until she was sold to Crabtree?

A Yes, sir.

SARAH LUNDEN, the applicant, recalled; Gen. R. Breckinridge:

A. Sarah, you have heard the witness' statement, do you want to ask him any questions? A. No, sir.

Q. Has he made any mistakes? A. No, sir, none.

Q. Are you the Sarah that belonged to this witness' father?

A. Yes, sir.

Q. That is correct? A. Yes, sir.

Q. And then he sold you to Dr. H. H. A. Yes, sir.

Gen. R. Breckinridge: This will be filed as supplemental testimony in Cherokee Freedmen case B-4577, and sets of the testimony will also be filed in Cherokee Freedmen Doubtful cases #849, #852, and #854.

J. O. Rosson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 9th, 1901.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 5th day of December, 1901.

M. J. Green
Notary Public.

Cher Fr D 650

Cher Fr D 650

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHULSMA, I.T., JUNE 10th, 1901.

In the matter of the application of Fred D. Thomas for enrollment as a Cherokee Freedman by intermarriage; said Thomas being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Fred D. Thomas.
Q How old are you, Mr. Thomas? A 46.
Q What is your post office address? A Vinita.
Q What district do you live in? A I live in Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A No, sir only by adoption, marriage.
Q What is your wife's name? A Sidney Thomas.
Q Is she living? A No, sir, she is dead.
Q Is she a Cherokee freedman? A Yes, sir.
Q Is she living? A No, sir.
Q Is her name on the roll of 1880? A Yes, sir, on all the rolls.
Q Have you any children? A No, sir.
Q When did she die? A She died year before last.
Q When were you married, Mr. Thomas? A You can see there on the paper.
Q What is her father's name? A Simon Lynch.
Q Had she been married before she married you? A Yes, sir.
Q What was her former husband's name? A Nelse Thompson.
Q Is he living? A Yes, sir.
Q Was Sidney Thompson and Nelson Thompson separated? A Yes, sir.
Q And a divorce? A They were separated five years before I was married.
Q Have a divorce? A Wasn't any divorces at that time.
Q Now, have you married since? A Yes, sir.
Q What is your present wife's name? A Her name is Hattie Thomas she was a Hattie Moser.
Q Was she a Cherokee Freedman? A Yes, sir.
Q You claim your citizenship though by your marriage to Sidney Thompson? A Yes, sir.
Q Did she ever go by any other name besides Sidney? A No, sir, I don't think she did.
Q Was she ever married to a man named Johnson? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and a p
applicant's former wife's name found
thereon, page 640, #570, Sidney Johnson, Saline District.

- Q She was married at one time to a Johns was she?
A Yes, sir.
Q What was his name? A Fog.
Q Now, what proof have you got, Mr. Thomas, that your present wife is a citizen? A Well, she drew at the Wallace Court and drew at the Clifton Court.
Q Has she been listed for enrollment here by us? A She went to Fort Gibson.
Q Her name now is Hattie Thomas? A Yes, sir.
Q Did you live with your wife, Sidney, continuously to the time of her death? A No, sir, we was parted.
Q And she had parted from her former husband? A Yes, sir.
Q Did she live with Fog Johnson until his death? A No, sir.
Q Separated from him? A Yes, sir.
Q Did you ever have a divorce from your former wife?
A I wasn't married.
Q Well, were you ever divorced from Sidney? A I was divorced by the Cherokee laws.
Q What was the cause of your separation? A She just got tired living with me.

Fred D. Thomas.--2.

BY MR. W. W. HASTINGS, Cherokee Representative:

- Q Which one got the divorce you or her?
A She did.
Q Where? A At Vinita.
Q In the United States Court? A No, sir, Cherokee Court.
Q Never was any Cherokee Court there? A That was when Clark Shelton was Clerk.
Q Your wife had been married twice before? A Yes, sir.
Q Any other time do you know? A No, sir.
Q You say she never had any license? A No, sir.
Q She was married by old Cherokee law? A Yes, sir.
Q She had several children? A Yes, sir.
Q By former husbands? A Yes, sir.

BY COM'R NEEDLES:

- Q You present a certified copy of a certificate of marriage certifying that marriage license was issued to you to marry one Lydia Thompson according to the laws of the Cherokee Nation, and that you were married by Elder J. H. Jones, on April 8th, 1887; the certified copy that you present shows that the license is signed by eight parties; the law requires ten, and I see that the certificate has been interlineated since it was issued; there are eight on here that were certified to by Mr. Alberty, Assistant Executive Secretary, and it appears that two names have been inserted in here since the typewritten certificate was issued; did you insert them in here? A No, sir, Mr. Alberty did.
Q Your wife don't appear to be listed for enrollment by us?
A She was at Fort Gibson, she come up with Jim Vann.
Q What was her husband's name before you married her?
A She didn't have any husband.
Q Well what was her father's name, mother's name?
A Her mother, Jennie Vann.
Q Your wife's name is Mattie instead of Hattie?
A It is Hattie.

BY MR. HASTINGS:

- Q Who was her father and mother? A Aleck Boudinot was her step-father and her mother was Jennie Vann.

MR. HASTINGS: Comes now the Representatives of the Cherokee Nation and offer in testimony pages 86 and three lines on the top of page 87, being a decision of the Supreme Court of the Cherokee Nation, down in "Minutes of the Special Court of Commission, Supreme Court, 1871," with reference to the right of colored people by intermarriage:

"Tuesday Morning June 20th 1871.
"Court convened - Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the Nation to wit:

The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or ~~the~~ black men are claiming citizenship from marrying black female citizens under the law "Regulating Intermarriage with Whites," as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a blackman to marry a blackwoman as it only alludes to, and was intended for whitemen and Cherokee women."

"The Court believe it is further sustained in the opinion that Colored citizens, are such by adoption, and as such,

Fred D. Thomas, --3.

can not confer rights upon others, without further legislation upon the matter. Therefore decide "The following named persons are not entitled to Cherokee citizenship as claimed: To wit

George Washington,	Seewoossee Dist.	"
Henry Johnson,	Tahlequah	"
Lee Cooper,	"	"
Henry Bird,	"	"
William Madam,	"	"
Alonso Gullen,	"	"
Selamon Foster,	Illinois	"
William Madam,	"	"
Raymond Youngblood,	Sequoyah	"

(Marginal Note.) "Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 30th 1871."

BY COM'R HENDLER:

- Q Your present wife, Hattie, was never married before?
 A No, sir.
 Q And I understand you to say that you were formerly married to one Sidney Moser or Sidney Thompson? A Yes, sir.
 Q And that she had been previously married? A Yes, sir.
 Q To whom? A Before to Felix Thompson.
 Q And they were separated? A Yes, sir.
 Q And that you were previously married to only your former wife?
 A Moser was married before.
 Q And that you separated from your wife, Sidney? A Yes, sir.
 Q And obtained no divorce? A Yes, sir.
 Q Wasn't there something said a while ago about getting a divorce from somebody? A She did.
 Q Well then there was a divorce from you? A (No response.)

COM'R HENDLER) Fred D. Thomas applies for the enrollment of himself as a Cherokee Freedman by intermarriage. He presents satisfactory proof of the issuance of a license by the authorities of the Cherokee Nation to him on the 4th day of April, 1887, and that he was married on the 9th day of April, 1887. The date of the license is not given but the certificate shows that the marriage was recorded on the 4th day of May, 1887. He avers that he was formerly married to one Sidney Thompson, who was the wife of one Fog Thompson; that they were separated and no decree of divorce was granted. He avers that he was lawfully divorced from his wife, Sidney Thompson, through whom he claims citizenship by intermarriage. He avers that a divorce was applied for by said wife, Sidney, and that since he was married to one Hattie Moser, a Cherokee citizen. The name of his present first wife through whom he claims citizenship is found upon the authenticated roll of 1880 by the name of Sidney Johnson, the wife at that time of Fog Johnson. The name of his present wife is identified upon the authenticated roll of 1880 as Hattie Moser, her maiden name. By reason of the fact that no satisfactory proof is made as to the divorce between Sidney Thompson and her two former husband and between Sidney Thompson and the applicant, Fred D. Thomas, and the protest of the Cherokee Nation and the testimony as to the laws of intermarriage made by said Fred D. Thomas will be linked for enrollment as a Cherokee Freedman by intermarriage upon a doubtful basis, and he will be notified of the decision of the Commission when arrived at.

Fred D. Thomas.—4.

BY MR. HARTINGS:

- Q You didn't employ any lawyer or put in any answer to that divorce
did you? A No, sir.
Q You let it go by default? A Yes, sir.
Q You weren't at the court house? A No, sir.
Q You don't know what she said against you in the suit?
A No, sir.

BY COM'R NEEDLES:

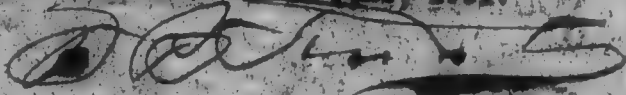
- Q Did you have a child by Hattie? A Four.
Q She didn't enroll but one? A There is dead, mine and hers.
Q Has she a child named Gammie? A Not as far as I know of, we have
been separated pretty near five years.

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J. G. Rosen, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

J. G. Rosen

Subscribed and sworn to before me this 21st day of June, 1901.



Commissioner.

No. D 650

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 1901

Given under my hand this _____
day of _____ A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
_____ day of _____, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to _____

_____ on the _____ day of _____ A.D. 1901

Subscribed and sworn to before me
this _____ day of _____ A.D. 1901.

Notary Public.

Sept. 17-1901

Cher Fr D 651

Cher Fr D 651

To be filed with case of Wallie Townsend, C. F. D. #651.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 10th, 1904.

In the matter of the application of Jess Vann for the enrollment of himself and three children as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Jess Vann.
Q How old are you? A I claim to be about 50.
Q What is your postoffice address? A Spayinar, I. T.
Q What district do you live in? A Saline District.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My six children and three of my sisters and two brothers.
Q Are your sisters and brothers under age? A No, sir.
Q Well they will have to apply for themselves? A Yes, sir, then I will just take the six children.
Q What are the names of your children? A Three of them are of age.
Q They must apply for themselves. What are the names and ages of these under age? A Frank, 19 years of age.
Q Next? A Riley, 18 years old.
Q Next? A Lovett, 11 years old.
Q Are you married now? A Yes, sir.
Q What is your wife's name? A Hickey.
Q Do you want to enroll her? A Yes, sir.
Q How old is she? A She is about 40.
Q You say you want to apply for your wife? A Yes, I have been married twice.
Q Is your present wife a citizen? A Yes, sir.
Q Are you and her parted? A Yes, sir.
Q Is this woman here who has helped you with the ages of your children your present wife? A No, sir, is my first wife.
Q You are not living with her? A No, sir.
Q Is your present wife here? A No, sir.
Q What is the name of your present wife's father? A He died in the army. I don't know her father.
Q What is the name of your wife's mother? A Mary Hight.
Q Is she a citizen? A Yes, sir.
Q Who is the mother of these children for whom you apply? A Emma Pertle is her name now.
Q Is she a citizen? A Yes, sir.
Q What was her name in 1880, 25 years ago? A Emma Vann.
Q Was she married to you then? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q Who did you belong to? A Joe Lynch.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q Have you ever applied to be enrolled as a Freedman of any other Nation? A No, sir.
Q Have you ever drawn any money from any other tribe? A No, sir.

The 1880 Authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Were you taken south during the war? A No, sir, I went to Kansas.
Q When did you return? A Fall of '64.
Q Is the Cherokee Nation? A Yes sir.
Q Have you been living here ever since? A Ever since.
Q Why is your name not on the roll of 1880? A I can't tell you.
Q Didn't you have to prove your citizenship to get your strip money? A Yes, sir, we has all been proving it as long as I can remember.

Q Now let me understand you as to your wife, your present wife, do you make application for her or not? A No, sir, not now.

By Cherokee Representative, W. W. Hastings:

Q What was your father's name? A Stephen Lynch.
 Q What was your mother's name? A Well she went by three names, Peggy Lynch, Peggy Henry and Indian Peggy.
 Q Did you come back here with them? A Yes, sir.
 Q What time of the year did you return? A In the fall.
 Q What time how old were you then? A I don't know exactly, 12 or 13 years o/d; may be younger maybe older, I don't know exactly never kept no count, never got to go to school in this country none.
 Q What time in the fall did you get back, late or early?
 A Long in the middle of the fall.
 Q Did you come here from Kansas after the war? A Yes, sir.
 Q What point did you come to in the Cherokee Nation after the war?
 A On the Joe Lynch place.
 Q Up in Galine? A Yes, sir.
 Q And you lived right there? A Yes, sir, one year and raised a crop there.
 Q Was George Clark right there then? A No, sir, he was not in that part of the Territory.
 Q Was Wat West there then? A Wat West—God only knows where he was, some wheres, he didn't live on that side of the river.
 Q You testified before the Kerns-Clifton Commission didn't you that these people were living there in you neighborhood? A They moved there 5 or 6 years afterwards.
 Q Didn't you testify that they were living there when you got back right after the war? A No, sir, that they were living in the community but not that they were living right there.
 Q Your father was named Stephen Henry Lynch wasn't it? A Yes, sir, my step father.
 Q Don't you know that your step father's right were questioned because of his returned? A He may have been.
 Q You know that you had to prove up before the Kerns/Clifton Commission? A Yes, sir, we all had to prove up the; we have every one been proving up for some time it seems to me.
 Q You know that your step father was summoned before the Bob Daniels Court in '71 don't you? A I don't know nothing about that, I was too young.
 Q If you were 12 or 13 years old when you first came back to the Cherokee Nation after the war, you must have been almost grown in '71? A Well I don't know nothing about that though.
 Q Don't you know that your step father and his family had their rights disputed? A No, sir, I don't know nothing about it, I wasn't grown.
 Q Didn't you hear of it when you were about 17, 18 or 19 years old?
 A I can't tell nothing about my age, I never kept no dates or not notice of these things.
 Q You don't remember dates at all? A I don't remember dates but I remember times, I remember when things happened.
 Q Who were some of your neighbors around there at that time?
 A Old man Scraper, an old fellow they called Pigeon, old Sheemaker, and a fellow they called Dirt-eater.
 Q How far was there people living from you in 1866? A I don't know exactly.
 Q Your stepfather was a Cherokee freedman and lived here before the war? A Yes, sir, he was owned by Joe Lynch.
 Q The same owner that owned you? A Yes, sir.
 Q Have you lived here ever since you came back? A Yes, sir.
 BY THE COMMISSIONERS:
 Q You had a step father did you? A Yes, sir.
 Q Who took you out during the war? A My step father.
 Q How old were you then? A I was a small boy then.
 Q Have you been living in the Cherokee Nation ever since you came back? A Yes, sir.

- Q You were married to Emma Vann? A Yes, sir, her name was McNair when I married her.
- Q Was you her first husband? A Yes, sir, so she says.
- Q And she is the mother of those six children? A Yes, sir.
- Q Who married you to Emma McNair? A Uncle Fred Martin.
- Q Is he living? A No, sir.
- Q Are those children all living? A Yes, sir.
- Q Are they living with you? A Yes, sir.
- Q Were they all born in the Cherokee nation? A Yes, sir.

FANNIE MILLER, called and sworn as a witness for the applicant, testified as follows: (Examined by Commissioner Needles.)

- Q What is your name? A Fannie Miller.
- Q What is your age? A 43.
- Q What is your post office address? A Wymer.
- Q Do you know Jess Vann? A Yes, sir.
- Q Did you know his first wife? A Yes, sir, she was my sister.
- Q Do you know that they were married? A Yes, sir.
- Q Did you see them married? A No, sir, but they lived together as man and wife.

EMMA DEAN, called and sworn as a witness for the applicant, testified as follows: (Examined by Commissioner Needles.)

- Q What is your name? A Emma Dean.
- Q What is your age? A 45.
- Q Do you know Jess Vann? A Yes, sir.
- Q Do you know his first wife, Emma? A Yes, sir.
- Q Were they married? A Yes, sir.
- Q Did you see them married? A Yes, sir, my father married them.
- Q How long did they live together as man and wife? A I don't know.
- Q Do you know their children? A Yes, sir.
- Q Do you know Frank? A Yes, sir.
- Q Do you know Riley? A Yes, sir.
- Q Do you know Loveat? A Yes, sir.
- Q Were they all born while they were living together as man and wife? A Yes, sir.

ANDERSON LYNCH, called and sworn as a witness for the applicant, testified as follows: (Examined by Commissioner T. B. Needles.)

- Q What is your name? A Anderson Lynch.
- Q What is your age? A 64.
- Q What is your post office address? A Vinita.
- Q Do you know Jess Vann? A Yes, sir.
- Q How long have you known him? A Ever since he was little.
- Q Was he a slave? A Yes, sir.
- Q Who did he belong to? A Joe Lynch.
- Q Did he go out of the Cherokee Nation during the war? Yes, sir.
- Q Where to? A Kansas.
- Q When did he return to the Cherokee Nation? A He came back in the winter of 1866.
- Q How do you know he returned there? A I hauled him back.
- Q Has he been here ever since? A Yes, sir.

By the Cherokee Nation through W. V. Hastings:

- Q What point did you bring him to? A On Lynch's place.
Q Has he lived there ever since? A Yes, sir, in that neighborhood.
A How long had you been here when you went up there to get him?
A A little over a year, I went after him about Christmas, a little before Christmas.
Q How long before Christmas? A Well it was something like a month, it was in the fall of '66.
Q Was George Clark living there then when you brought him back?
A Yes, sir.
Q Was Watt West there then? A Yes, sir.
Q His father was known as Stephen Henry Lynch wasn't he?
A Yes, sir, his step father.
Q Do you know when his father went before the Bob Daniels Court after the war? A Yes, sir.
Q You know that his rights were disputed then don't you?
A Yes, sir.
Q And that he had a trial there? A Yes, sir.
Q You were not a witness for him then were you? A No, sir, I was not asked to come, but if he had I been asked to go I would have gone.
Q You didn't witness for him before the Kern, Clifton Commission?
A I disremember if I did or not.
Q Did you bring these people back in a wagon? A Yes, sir.
Q You had a wagon and team of your own? A Yes, sir.
Q They didn't have any? A Yes, his step father had one, but couldn't haul all everything. Len Lynch lives right here now, he was his young master and will know all about it.
By W. W. Hastings:

The Cherokee Nation offers in evidence from the minutes of the Special Court of Commission, Supreme Court, 1871, of the Cherokee Nation, the proceedings of the Court had on Tuesday June 8th, 1871, found on page 66, which is as follows: "Cherokee Nation vs. Stephen Henry Lynch, charged with having returned too late, the court decides from the testimony that claimant is not entitled to Cherokee rights or citizenship under the Cherokee treaty of 1866."

By Commission-

The Kern-Clifton roll of the Cherokee Nation examined and the name of the applicants identified thereon as follows:
Page 124, No. 3092, Jesse Vann, Saline District.
Page 124, No. 3096, Frank Vann, Saline District.
Page 124, No. 3097, Riley Vann, Saline District.
Page 124, #3098, Leavitt Vann, Saline District.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

By Com'r Needles.- Jesse Vann applies for the enrollment of himself and three children, Frank, Riley and Leavitt Vann. Upon an examination of the authenticated roll of 1880 his name is not found thereon; he is identified on the Kerns-Clifton roll according to the page and number of the roll as indicated in the testimony and the names of his three children named herein are identified on the Kerns Clifton roll. He makes satisfactory proof as to residence, and he will be listed as a Cherokee freedman on a doubtful card, both he and his three children as herein named, awaiting the further consideration of the Commission. When the Commission arrives at a decision in regard to his case, he will be notified by mail.

26/05

DEPARTMENT OF THE ARMY
COMMISSION TO THE JUNE GIANTSLAND TRAIL

VAG 14 1801

五五五

CONFIDENTIAL

[illegible]

...to the five civil and military ...
...is a true and complete ...
...of the territory ...

... before the ... 11:00 ...

Handwritten signature and initials, possibly 'J. B. L.' and 'S. B.', in dark ink.

J. V.—5.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 15th of May, 1901,
at Vinita, I. T.

(Signed) C. R. Breckinridge,
Commissioner.

—000000000—

J. O. Bossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete transcript of his of the original transcript of the testimony and proceedings in the above case.

J. O. Bossen

Subscribed and sworn to before me this 15th of August, 1901.

[Signature]

Commissioner.

May 11, 1901. O. 651, Mollie Townsend

Department of the Interior,
Commission to the Five Civilized Tribes,
Wichita, I. T., May 11, 1901.

In the matter of the application of Mollie Fortle for the enrollment of herself as a Cherokee Freedman, being sworn and examined by Commissioner Headley, she testified as follows:

Mollie Fortle, a woman, Wichita, I. T.

appear as witness for the applicant.

Q What is your name? A Mollie Fortle.
Q How old are you? A 46 years old.
Q What is your present office and name? A Teacher.
Q What district do you live in? A Coconino.
Q You apply to be enrolled as a Cherokee Freedman? Yes sir.
Q Did you want to enroll besides yourself? A No one but myself.
Q Did you ever apply to be enrolled by any other tribe or nation except the Cherokee? A No sir.
Q Is your name on the authenticated roll of 1898? No sir, I think not.

Q Are you married? A No sir, not now.
Q You have been married? A Yes sir.
Q What is your husband's name? A Ephraim Fortle.

Examined by Attorney Heltzle:

Q Where were you born? A In the Cherokee Nation.
Q Were you a slave? A Yes sir.
Q Was your master? A McHair, Samson McHair and Clem McHair, were my owners.
Q What was your father? A Riley's sir.
Q Was your father? A Jerry Riley, Sam Riley, Andrew Riley and Isaac Riley and Frank Riley.
Q Where were you during the war? A In Canada.
Q When did you return to the Indian Territory, Cherokee Nation? A In '86, they tell me, I was small when I come back, I don't remember any thing about it much.
Q Do you remember the trip back from Canada after peace was made, you remember coming? A Yes sir, I remember traveling in a wagon.
Q Who came with you? A My father and mother and brothers and sisters and my uncles.

Q Did the people whose names you have just mentioned come with you on that trip? A Yes sir.
Q Where did you live? A Over on the McHair place where we were first and born at.
Q In what country were you living when you came back to the McHair place? A In the Cherokee Nation, and no other place.
Q Do you own any property on the public domain of the Cherokee Nation? A Yes sir, I own a small place.

Q How long have you lived it? A Since where I am living now I have not owned it very long, it used to be my mother's place, they give it to me after her death, I lived on Grand River after I married, and after she died I moved there.

Q Who gave you the mother's place? A The children, the heirs.

Examined by Cherokee Representative, H. T. Hastings:

Q Where were you married? A On Grand River.
Q You have always lived in the Cherokee nation since you came back here? A Yes sir, and no other place.
Q You were never married but once? A Yes sir, I was married twice.

Examined by Commissioner Headley:

Q Tell me your trip money didn't you? A Yes sir.
Q Yes, I have had a child named Frank.
Q You don't apply for him? A Yes, I have enrolled him yesterday.
Q What has he got to do with it? A That was my first husband.

Emma Purdie 2

Q You were married more than once, you were married to Vann? A Yes sir, my first husband was Vann.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined after application, and name not found thereon.

Q Who drew your money for you? A I drew it myself.

Examined by Attorney Hollister:

Q From Mr. Dixon? A Yes sir, an attesting from Mr. Dixon, and at Tahlequah from Mr. Lips.

Examined by Commissioner Needles:

Q You had something to do with Crapo at one time? A No sir I did not.

Q Yes you did? A No sir, I don't know nothing about no Crapo. Applicant: I have got children, but they are enrolled already. I had two children enrolled with me and I drew money for them.

Q What were their names? A Walter Vann and Levett Vann.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined after these children found with husband.

Q Who is Riley? A That's my child too. My husband enrolled them children, and I did too; they was on the roll in two places.

Q You didn't draw twice for them? A No sir. He drawed for 2 of the children and I drawed for 2.

Comm'r Needles: Emma Purdie applies for reenrollment of herself, she avers that she is a child of Riley McNair, and that she was married to one Ephraim Purdie; her name cannot be found upon the authenticated roll of 1880, and in fact she does not contend that it is there; she avers that she drew Kerns-Clifton pay ment money, and also drew money on the Wailate roll; her name cannot be fully identified upon said rolls although there is no doubt of her name being there; she makes satisfactory proof as to her residence; reference is made to the testimony taken in the matter of the application of Moses Riley for the enrollment of himself and child, Lillie, on Dec card 266, said testimony will be made a part of the records in the case of the applicant, and she will be listed for enrollment upon a doubtful card as a Cherokee Freedman, awaiting further consideration of the Commission; she will be informed of the conclusion of the Commission, by mail.

N.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this May 13, 1901.

(Signed) G. R. Brockbridge,
Commissioner.

To be filed in the case of Emma Purdie, Cherokee Freedman.
Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 13th, 1901.

In the matter of the application of Moses Riley for the enrollment of himself and one child as Cherokee Freedman, said Riley being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Hollister & Smith, attorneys for applicant.
Messrs. J. B. Bell and E. V. Hastings, for Nation.

Q What is your name? A Moses Riley de McNair.

Q Which is which? A McNair.

Q I want to know what your name is now? A Riley.

Q What is your age? A About 61.

Q What is your post office address? A Chelsea.
 Q What district do you live in? A Coombsescopewe.
 Q You apply to be enrolled as a Cherokee Freedman? Yes sir.
 Q Who do you want to enroll besides yourself? A Lillie.
 Q Who is Lillie? A My daughter.
 Q How many children do you want to enroll? A That is the only one I can enroll.
 Q How old is Lillie? A 18 years old.
 Q Did you ever apply to be enrolled by any other tribe or nation?
 A No sir.
 Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
 Q Does your name appear upon any of the rolls of the Cherokee Nation? A The Wallace and Clifton roll.
 By Mr. Mellette, of firm of Mellette & Smith, Attorneys for Applicant:
 Q Mose, where did you live during the war? A Here in the Nation, in Saline District.
 Q Were you a slave? A Yes sir.
 Q Who was your master? A Clem McNair and Susan McNair.
 Q Were they Cherokee Indians? A Yes sir.
 Q Citizens of the Cherokee Nation? A Yes sir.
 Q Did you leave the Cherokee Nation during the war? A Yes sir.
 Q Where did you go? A Kansas.
 Q What was your father's name? A Riley McNair.
 Q When did you return to the Cherokee Nation? A In '86.
 Q What time in '86? A In the fall.
 Q Who came with you? A My father and mother and ten children, ten of his children and my brother-in-law; that is when he moved his family.
 Q Your brother-in-law, what was his name? A James Curles and my cousin and uncle.
 Q Who was your cousin? A Columbus Rogers, he is dead.
 Q Who was your uncle? A Jim McNair.
 Q Where was he? A He is dead.
 Q Now, had your father been to the Cherokee Nation before you returned with him? A Yes sir.
 Q Tell the commission about that? A In the spring he come down in the spring.
 Q What year? A '86, and when he laid by his corn he went to get his family and moved them back in the fall.
 Q Where did you go when you came here with your father? A Went to the old McNair place.
 Q Where is that? A On the east side of Grand river.
 Q What district? A In Saline.
 Q Did you have a sister named Bettie Riley, or Bettie McNair?
 A Yes sir.
 Q Where is she? A She is dead.
 Q How long since she died? A I can't tell you just how long exactly how long it has been since she died.
 Q About how long? A (No response.)
 Q Ten years, or more or less? A I expect.
 Q Did she return to the Cherokee Nation at the same time you and the rest of the family did? A Yes sir.
 Q Was she on the authenticated roll of the Cherokee Nation?
 A Always so said to be.
 By Mr. Mellette, I would like, say the Court please, to see if Bettie Riley.
 Q What was her name at the time she died? A Bettie Hamilton on the roll of 1884.
 A On the roll of 1880 as Bettie Hamilton or Standard.
 The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and the name as woman referred to not found thereon, under either the name Riley, Hamilton or Standard.

APPLICANT: She drew her money on the 1880.

(The name of Columbus McKair is the only one by that name who appears upon the Freedmen roll of 1880.)

BY J. M. HASTINGS: How old would she (Bettie Hamilton) be in 1880? A I if she lived now she would be about 34 or 35 years old.

BY J. M. HASTINGS: Were you members of your father's family at the time you returned to the Cherokee Nation in 1868? A Mollie Riley, Andrew, Kate Riley, Jerry Riley, Jesse Riley, Frank Riley, Emma Riley, Fanny Riley, Lizzie Riley, Bettie Riley, Delilah Riley.

Q Have you lived in the Cherokee Nation since you returned here in 1868? A Yes sir.

Q Never lived any other place since that time? A No sir.

Q Have you ever exercised any rights of citizenship in the Cherokee Nation since you returned here? A Yes sir, I have got permits they call white man, just like these other Indians.

Q For what? A For them to work for to make work.

Q Who would issue these permits, by what authority? A Joe Lahay at Claremore.

Q Ever exercise any other rights of citizenship in the Cherokee Nation? A Voted ever since I have been old enough.

Q For what offices did you vote? A All of them.

Q Did the Cherokee authorities ever object to your voting? A No sir; never did.

Q Have you any farms in the Cherokee Nation? A Yes sir.

Q How long? A Ever since I got big enough to own any I have had some kind of one all the time.

Q You say you are on the Wallace roll and the Burns-Clifton roll? A Yes sir.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The 1890 census roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The Burns-Clifton roll of Freedmen of the Cherokee Nation examined and the names of applicants found thereon as follows:

Page 176, #4338 Mose McKair, ex Riley, Coconawacooche District.

Page 127, #3947 Lillie McKair, Coconawacooche District.

The Wallace roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon page 127, #2661 Moses McKair, Coconawacooche District.

BY W. F. HASTINGS, Cherokee Representative.

Q You didn't come with your father when he first came? A No sir.

Q What was your father's name? A Riley McKair.

Q Where did you first come to when you came here to the Cherokee Nation? A The old McKair place.

Q Was that in Soline District? A Yes sir.

Q Who were your neighbors down there? A Saturday Vann and her children and Wiley Squierstick and Mary Sinkerwater.

Q Did you come in a wagon? A Yes sir.

Q Did anyone besides the helpers of your family come along? A My uncle and brother-in-law.

Q What was their names? A Jim McKair and Columbus Rogers.

Q From what point in Kansas did you come? A Garnsey, Anderson County.

Q Did you come in the spring or fall? A Came in the fall.

Q About what time in the fall did you come? A I don't know sir, just exactly what time, I can't tell exactly what time, but it was in the fall; I old man laid by his corn, and then went up there and wasn't so very long before he returned again.

Q Upon whose place did he make a stop that year? A On the old McKair place, that McKair place.

Q Was Mrs. Martin Thompson living there at that time? A Yes, sir.

Q She was living there was she? A Yes, sir.

Q Did she have any family, Mrs. Martin Thompson? A Old man McKair just had got in.

Q Did they have any children? A Had some little baby ones, baby

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and another little one on top.

Q Did your father take a wagon back up there for his family?

A Yes sir, he took an old Texas Dump Cart, fastens on the wagon tongue and chaps, set on put with.

Q Was that his wagon? A Belonged to some of them down here, I can't tell you whose it was, we left it there on the old Mc Air place when we left there.

Q You don't know whether it belonged to the Cherokee Kelleir family or not? A I can't say that, we left it there.

Q How long did you live down there at that place where you first went to? A Made two crops, the old man raised there, we raised one after we come.

Q And then where did you go to from there? A Went to Pryor Creek; well on the other side of where John Edwards lives now, two or three miles south of there under the foot of them mountains.

Q How far is that from where Pryor Creek now is? A I expect it must be seven miles up the creek I was there.

Q Northwest? A Yes, sir, little North-west.

Q How long did you live there? A I can't tell you how long, but we lived there quite a spell.

Q Were you ever arrested by the Cherokee authorities? A Yes sir.

Q What were you charged with? A Stealing a hog.

Q Did you have any other members of your family arrested at the same time? A Yes sir, two of them besides me, father and one of my brothers.

Q Who were you charged with stealing the hog from? A I guess they must be so said it was Alex Rider's hog, I was not, I guess it must have belonged to some of the riders, I never seen the hog, but I was charged with it just the same.

Q Alex Rider was your kin to Blue Rider? A Yes sir, his brother.

Q That was out of the court house in Coconino County District?

A Yes sir, out on Dog's Creek, kept us there in prison about eighteen days, me and my little brother and daddy.

Q You people at that time claimed you were not citizens of the Cherokee Nation? A Yes sir, we claimed we were citizens then.

Q They didn't try you? A Yes sir, they tried us, I guess it is what you might call trying, a man and the jury and all sit along there and old man Judge Rogers was the Judge and well I was kinda little, but then they pled and hauled around there and adjourned for dinner and they say to come back after dinner and the jury went out and come back and Judge Rogers said it was a verdict, it was a little piece of paper and Judge Rogers said I was clear.

Q You didn't raise the question as to your citizenship at that time? A No, sir; they knew we was citizens.

Q Who was your lawyer? A Judge Hayes.

Q Jobi Hayes? A Yes sir.

Q Is your mother's name Marian Kelleir? A Yes sir.

Q Were you present in 1898 when your case was tried, and here, you were all put in one case and tried? A Yes sir, we was all ten of us there, all ten of our children, we might not have been all in there.

Q You had Andy Frye and Millie Frye as your witnesses? A Yes sir.

Q You were present? A I was not in the house.

Q You never heard them testify? A No sir, I never heard them testify.

Q You can't know then whether they said you came back in '07 or not? A No sir, I don't know they could hardly state that and been justifiable in it, I don't think they could be.

Q You state you were not present? A No sir, I was not in there.

By Mr. Kelleir:

Q What is it you were tried in the Cherokee court for hog stealing? A I don't know.

Q How many years after it was? A It must have been, to the best of my memory, somewhere about about, close I expect, if I would say anything, I would say about '09, somewhere along there.

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Q The Representatives of the Cherokee Nation mentioned the name of Mrs. Martin Thompson and asked if she was on the McHair place at the time you arrived in 1866, and was she? A She was Jack McHair's wife; he married in Texas, I don't know where he married her, but anyhow he brought her back there.

Q You say she was on the place at the time you arrived there?

A She was on the place when father brought us there and I don't know whether she was there when he came back or not.

Q If she had married Jack McHair she would not be called Thompson?

A Jack McHair's brother-in-law married her a Thompson.

Q She was Mrs. McHair when you went there? A Yes sir.

Q OBES HARDWICK, being duly sworn by Commissioner T.B. Needles, testified as follows: EXAMINATION BY MR. McLETTTE:

Q What is your name? A Moses Hardwick.

Q Where do you live? A Live out on Pryor Creek.

Q How long have you lived in the Cherokee Nation? A Ever since I have been born up until the war.

Q Did you leave the Cherokee Nation during the war? A Yes sir, the Federal army taken us out.

Q Where did you go? A Fort Scott, Kansas.

Q Do you know Moses Riley? A Yes sir.

Q Did you know his father? A Yes sir.

Q What was his name? A Riley McHair.

Q Where did you first know Riley McHair? A Right down here at Saline when we was boys.

Q Cherokee Nation? A Yes sir.

Q Did you see him in the State of Kansas during the war? A I did.

Q What did you return to the Cherokee Nation? A I returned here in the spring, the Indians said it was 1866.

Q Who came with you? A Uncle Tom Moore, brother Jeff Lyons, Riley McHair.

Q Riley McHair, the father of Moses? A Yes sir.

Q Where did you see him when you returned to the Cherokee Nation? A To the old Doctor Thompson's.

Q Where did he go? A He said he was going down to his old Master's place.

Q Riley McHair said he was going down to his old master's place?

A Yes sir.

Q That is what? A Yes McHair.

Q Was he alone or with his family at that time? A He was alone.

Q What, if anything, do you know in regard to his bringing his family? A No, I don't; he said he was going after it in the fall and bring it down.

Q Did you see him at any time after he, after you parted with him? A Yes, sir, I seen him along in the summer along in roasting ear time.

Q Did he make any declaration to you at that time about going to Kansas or to his family? A Said he was going after them after he laid his crop in.

By A. B. BELL, Cherokee Representative

Q Did you make a crop here in 1866? A Didn't make any crop I made garden spot.

Q Where at? A Down on the Doctor Thompson's place, made a crop in the spring of '67.

Q Where did you see Riley about roasting ear time? A At Spring Creek house, at the meeting house.

Q Now, you are not a recognized citizen are you? A I have been said to be; I have been voting just like the balance of them.

Q Your rights have been disputed? A Was disputed, long time ago, but the courts ordered it to be settled and it was settled.

Q You went into the trial before the Rob Daniels court in 1871 and '72? A Yes sir, I went down there.

Q And they decided against you? A Didn't decide anything; Rob Daniels asked me what you across some more far, and I told him

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him what we was there for and he told our negroes go home and go to work, we are doing business for the Indians and we went home the next day.

Q And your case was not passed upon? A No sir.

JIM ALBERTY, being duly sworn by Commissioner T.L. Needles, testified as follows: EXAMINATION BY MR. BENNETT:

Q What is your name? A Jim Alberty.

Q Where do you live? A Saline District, eight miles east of Chautauk.

Q How long have you lived in the Cherokee Nation? A Well I guess I have been here 76 years to the best of my recollection, all the days of my life.

Q Were you a slave in the Indian Territory? A Yes sir.

Q Who owned you? A John Alberty.

Q Did you leave the Territory during the war? A Yes sir.

Q Where did you go? A Went south.

Q Where to? A Down in the Chickasaw Nation.

Q When did you come back here to the Cherokee Nation? A '66 before the treaty was made.

Q Do you know Moses Riley? A Yes sir.

Q Did you know where he was in 1866? A Yes sir.

Q Where was he? A At his old home on Clear Forks old place, his master's place.

Q How do you know he was there? A I went there and saw him there, and staid all night there.

Q Have you lived in the Cherokee Nation since you came here in 1866? A Yes sir, ever since.

Q Own property here? A Yes sir, I have got as good a farm as any man in this country.

Q Have you voted here? A Yes sir.

Q How many times? A Every time there was an election, the last time was when they killed this treaty.

BY MR. BENNETT:

Q Jim, did you serve in the army during the war? A Yes sir.

Q Whereabouts? A Right here about Fort Smith and around.

Q Were you at the siege of Vicksburg? A Yes sir, I was there.

Q Well, what army were you in? A You know when they called for a hundred thousand men.

Q On which side were you on? A Northern side, of course.

Q Who were your officers? What was your regiment? A Fifty-seventh colored.

Q Is it designated by statute or anything of that sort or was it just 57th? A 57th colored.

Q Where did you enlist? A Right here at Little Rock.

Q When? A Oh, I can't tell, that was while the war was going on, I don't know.

Q How long did you serve? A I served until peace was made and I ran away and come back home here.

Q You just simply quit then? A Yes sir.

By V. B. Hastings, Cherokee Representative:

Q When did you come back with Jim? A By myself.

Q Where did you leave the army? A At Fort Smith.

Q When were you stay he with whom you enlisted in the army? A I was staying with anybody, just as soon as I ran away from the south I went into the army and when peace was made and I found out I would not be killed I quit them and come here.

Q Who took you out of the army? A John Alberty.

Q Who were along when you went south? A I don't know.

Q Who took you? A One man by the name of, some name, Bob Baugh's wife, old Weldon, used to have these.

Q Was he a white man? A Yes sir.

Q He took you to Red River? A Took me to the Chickasaw Nation.

Q Where did you go? A To Kansas.
Q When did you return to the Cherokee Nation? A In 1866.
Q Do you know Moses Riley, the applicant herein? A Yes sir.
Q Do you know when he returned to the Cherokee Nation? A Yes sir.
Q When? A In the fall of '66.
Q How do you know he returned then? A He was along with me when I came to his folks and him.
Q That was Moses's brothers and sisters, were they all there at that time? A Andrew Riley along? A Yes, sir, he was along.
Q Do you know John Riley? A Yes sir.
Q Was he along? A Yes sir.
Q Do you know Frank Riley? A Yes sir.
Q Was he along? A Yes sir.
Q Do you know Jerry Riley? A Yes sir.
Q Was he along? A Yes sir.
Q Did you know all the brothers and sisters of Moses Riley? A Yes sir.
Q Do you know Ben Riley? A Yes sir.
Q When did he return? A They all came in the fall of '66.
Q The same time you did? A Yes sir.
Q Now about Fannie? A All came with the same family.
Q And Delilah, there was she? A She was along.
Q Lottie Riley? A Lottie Riley was along with the family.
Q Was Willie along at that time too? A Yes sir.
Q Where did they come to what part of the Cherokee Nation?
A Came in Saline District and settled there.
Q Near what place? A McAdams.
BY W. W. HASTINGS, Cherokee Attorney.
Q What was your father's name? A Vann, so they say.
Q What was his first name? A William.
Q What was your mother's name? A Catherine McAdams.
Q Is your mother a sister of the father of Moses Riley? A Yes sir.
Q You and these people you have named as being with you in the fall of '66 are first cousins? A Yes sir.
Q You afterwards married Gilbert Vann? A Yes sir.
Q He was a recognized citizen? A Yes sir.
Q And he enrolled you in 1860 didn't he? A Yes sir, he enrolled us.
Q You don't know one year from another? A Yes sir I do.
Q You were quite small when you came back from Kansas? A I was not grown, I was eleven years.
Q How old are you now? A 49 years old now.
Q Were there a whole lot of folks in the crowd? A A whole lot of folks.
Q Did your father come with you? A Yes sir, he was dead.
Q Did your mother come with you? A Yes sir, she was dead.
Q You was raised up by these people were you not? A Yes sir.
Q You came with him and his family back to the Cherokee Nation from Kansas? A Yes sir, with my whole family.
Q They told you that it was in 1866, you was a little girl then and didn't know what year it was? A Yes sir, I was a little girl then.
Q Did you come in winter? A Yes sir.
Q How many wagons were there? A I don't know, I never kept no track.
Q Was there as many as five or six? A Oh more than that.
Q What other people except your family and your uncle's came through at the same time you did? A There was a whole lot of families, I don't know just who all, there was an Uncle's family, and Columbus Rogers family, and a whole lot of others, there was Brother Nicey Mayfield's family.
Q What other families? A I don't remember how many families was there.
Q Quite a number though? A Yes sir.
Q As many as a dozen? A More than that, I don't know though how many I never paid no attention to such things then.
Q Was she living in the old McAdams place when you came there in '66? A Jack McAdams was there.
Q Was he a Cherokee? A Yes sir.

Q Was his wife there? A I don't know if it was his wife, but I know she was called Jane McAir, she was there.
Q Did she afterwards marry Martin Thompson after McAir's death?
A Yes, sir, that's the one.
Q You lived as long as you lived on that place? A I don't know how long we lived there, long enough to make a crop though and then settled on Dryer Creek. I never kept no track of those things.
Q Did you come in the spring of the year to the McAir place?
A No sir in the fall of '66.
Q Who told you that it was the fall of that year that you got there? A The family.
Q You had a small child, eleven years old, and yet you remember then telling you that it was in the fall of '66 that you come there?
A Yes sir I do.
Q What year is that? A 1861.
Q 1861? A Yes 1861, I mean to say.

BY THE COURT: Come now the Cherokee Representatives, and offer in testimony a part of the record of the Minutes of Special Court of Commissioners, Supreme Court, 1871 of the Cherokee Nation, on page 62 of which is found: "Monday Morning, June 5th, 1871, Court met, Chief Justice R. Daniels and Associate Justice, Richard Bickler present. There being no cases ready for trial, adjourned to 9 o'clock tomorrow morning Tuesday Morning, June 6th, 1871." and on page 63 is found under said date: "Moses Hardwick and family. The Court decide from the evidence adduced that the defendants are not entitled to the rights of Cherokee citizenship under the Ninth Article of the Treaty of 1866."

BY MR. CUMMINGS: We desire to object to the introduction of the said record in testimony.

BY COMMISSIONER BUNDLES: Do you wish to give your reasons for objecting?

BY MR. CUMMINGS: No sir, we simply enter a general objection at this time to its introduction.

ALLEN JAMES called and sworn as a witness on the part of the applicant, testified as follows:

Examination by MR. CUMMINGS:

Q What is your name? A Allen James.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q On what fall are you? A I guess I am on all of them.
Q Are you one of the authors located roll? A Yes sir.
Q Do you know Moses Riley? A Yes sir.
Q Do you know where he was in any part of the year 1860 or 1866?
Q Yes sir. Well I will state to you where the old man was first, the old man came here in the spring of '66 and raised a crop on the old McAir place, he was our local preacher and there, and after he told by his crop he went back to Kansas for his family. I don't know just exactly when he returned that time but it was in the fall.
Q Did he return that time with his family? A Yes sir.
Q There were you living then? A On Grand River on the Dr. Thompson place.
Q Do you know Andrew Riley? A Yes sir.
Q Do you know his brother Isaac? A Yes sir.
Q When did he return to the Indian Territory? A He came back with the old man.
Q Do you know the time when the old man died? A Yes sir.
Q Did you see Moses Riley when? A I saw him when he was here and Andrew at the home.
BY MR. CUMMINGS:
Q Where did you see him? A I saw him in 1861.
Q Where were you living in 1861? A On the Dr. Thompson place.
Q How far is it to the Thompson place from the old place? A About fifteen miles.

Q Olan McJair and his wife, Mrs. Cherokee McJair were there were they, on that place? A I think it was the Jack McJair place; I know I was up there and saw Olan Riley plowing there.

Q On that farm? A Yes sir.

Q When was that you saw him plowing there on the McJair place-- what time of the year? A In the last of April.

Q You are positive on that? A Yes sir, I am about that time.

Q When did you actually see the other members of his family, of his and Posen? A In the winter after he had raised that crop.

Q Are you prepared to swear that you saw them all the following winter, or the winter of '66? A I am not positive as to all of them, I know the old man was there then.

BY MR. HILLIETH:

Q In the year of 1866? A Yes sir.

COLUMBUS McJAIR, called and sworn as a witness on the part of the applicants, testified as follows:

EXAMINED BY MR. HILLIETH:

Q What is your name? A Columbus McJair.

Q Where are you living? A At Vinita.

Q Are you a Freedmen citizen of the Cherokee Nation? A Yes sir.

Q On what roll are you? A On the '80 roll.

Q Do you know Moses Riley? A Yes sir.

Q Do you know where he was in the year 1866? A Over here on Grand river.

Q In the Cherokee Nation? A Yes sir.

Q He do you know it? A I was there.

Q What time in 1866? A In November.

Q Do you know Andrew Riley? A Yes sir.

Q Was he there? A Yes sir.

Q Do you know Joseph Riley? A Yes sir.

Q Was he there? A Yes sir.

Q Do you know Frank Riley? A Yes sir.

Q Was he there? A Yes sir.

Q Do you know Jerry Riley? A Yes sir.

Q Was he there? A Yes sir.

Q Do you know Emma Riley? A Yes sir.

Q Was she there? A Yes sir.

Q Do you know Fannie Riley? A Yes sir.

Q Was she there? A Yes sir.

Q Do you know Delilah Riley? A Yes sir.

Q Was she there? A Yes sir.

Q Do you know Lottie Riley? A Yes sir.

Q Was she there? A Yes sir.

Q Do you know Willie Riley? A Yes sir.

Q Was she there? A Yes sir.

Q When did you come to the Cherokee Nation-- when did you come after the war? A In '66.

BY W.W. EASTINGS:

Q What time in '66 did you come back? A In the spring of '66, I didn't come to my uncle's house until the fall.

Q What point in the Cherokee Nation did you come to first? A To Webbers Falls and then to Ft. Gibson.

Q Who did you live with in Webbers Falls? A I didn't live with any one there.

Q Well who did you stay with there? A Coffee Chapman.

Q How long did you stay with him? A Just about all night with him.

Q Stayed in rock there? A Yes sir.

Q Just stayed there all night? A Yes sir.

Q And that was in the spring of '66? A Yes sir.

Q When you left there where did you go? A On the river.

Q What river? A On the Grand river.

Q Where that place? A On the McJair place.

Q This old woman Riley who have been testifying about? A Yes sir.

Q About what time was that? A In May of '66.

Q Well you saw the father of the applicants there then did you?

A Yes sir, I saw them there, but the whole family didn't come back till in the fall.

Q Did he make a crop there? A Yes sir.

Q He is your uncle is he? A Yes sir.

Q And these applicants are your first cousins? A Yes sir.

Q Was Mrs. McHair, Mrs. Cherokee McHair there? A Yes sir, in the fall.

Q If these other witnesses say that she was there in the spring, they are mistaken are they? A Yes sir, she made arrangements with my uncle to take charge of the place.

Q You mean she made arrangements with him when he got there to take charge of the place? A No sir, she was not there when he got there but she had sent word to him to take charge of the place when he got back.

Q Sent word to who? A To my uncle, Riley McHair.

Q Mrs. Cherokee McHair sent word to your uncle for him to come and take charge of that place? A Yes sir.

Q Where did she live at the time that she sent that word? A In the Choctaw Nation.

Q And your uncle was living in Kansas- he came from Kansas down here didn't he? A Yes sir.

Q And he came there and made a crop on the McHair place that year? A Yes sir, in '86.

Q And Mrs. Cherokee McHair who was living in the Choctaw Nation had made arrangements with your uncle who was living in Kansas to come there and take charge of the old place? A No sir, she sent word up there to make arrangements and come through and take charge of the old place.

Q You said there all that time did you, with your uncle while he was making a crop? A Yes sir.

Q With what other people did you stay? A I stayed at Crap Lemon and at Arto, and then with Stephen and George Johnson.

Q You know and can swear positively that your uncle went back and brought his family to that place, including Moses McHair or Riley in 1865? A Well I never saw him go up there and get that when I came back there again they was all there.

Q Then did you come back the last time, the time you saw them all there? A In January of 1867, just after Christmas.

Q Not long after Christmas? A Not very long.

Q A month? A No sir.

Q Three weeks? A No sir, just a week or so.

Q Was that the first time that you saw any of the family besides the old man? A No sir, there was there all the time, the old lady and the younger family was there till I got back again.

Q Then your uncle brought back part of his family with him when he came the first time in the spring? A Yes sir.

Q How many of these boys did you see with their father when you came there the first time in the spring of '67? A Andrew, Jesse, Jesse and Jerry.

Q That was four that were with their father in the spring of '67? A Yes sir, the rest came in the fall.

Q You are positive of this are you? A Yes sir.

Q That was in the spring of '67 that you saw these four boys with their father on the McHair place? A Yes sir.

Q Their father was Riley was he? A Yes sir.

Q And you saw him and these four boys on the place named as the McHair place during the month of April or May of the year 1866? A Yes sir, and these were and I helped get the family in the fall.

Q Where was your father when you went up to Kansas to get the balance of the family? A I was in Kansas.

Q You was where in Kansas when these boys came up to get the rest of his family? A Yes sir.

Q Did these come in a wagon after his mother? A Yes sir.

Q Moses left his father and the rest of these four boys when there on the McHair place and went to Kansas to get his mother and the

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rest of the family did he? A Yes sir; I left them down there and I went to Kansas and went to work.

Q Who did you work for in Kansas that time? A For a man named Lindsay.

Q You were up there in Kansas then in the fall of that same year?

A Yes sir.

Q And then you came back here the next January? A Yes sir.

Q How long did you stay here the time you passed through the first time? A Just a week or so.

Q And then you went up there where the mother of this family was? A Yes sir, in Kansas.

Q And in the fall Moses Riley came up there? A Yes sir.

Q And when you came back here the last time they was all there?

A Yes sir.

WILLIAM FOREMAN, called and sworn by Commission T.B. Needles, on the part of the applicant, testified as follows:

Examination by Mr. Callahan:

Q What is your name? A William Foreman.

Q Are you a Cherokee citizen by blood? A Yes sir.

Q Are you recognized as such? A Yes sir.

Q As a citizen of the Cherokee Nation? A Yes sir.

Q Do you know Moses Riley? A Yes sir.

Q The applicant here for enrollment? A Yes sir.

Q Where were you living in 1868? A In Saline District, on Lynch's place.

Q Do you know where Moses Riley was in '68? A On the Glen McHair place.

Q In what district? A Saline.

Q In the Cherokee Nation? A Yes sir.

Q What time do you think it was that you saw him in 1868? A I saw him several times through the summer; I had a little store there and he came there and traded some.

Q Do you know his father, Riley McHair? A He was there.

Q When did you move from there? A I moved from there the last of September or the first of October, I had sold out my store.

Q Of what year? A 1866.

BY W.W. HASTINGS:

Q You were keeping a store there that year? A Yes sir.

Q Was Riley McHair's family there? A I only saw these two, Moses and the old man.

Q How far from the old McHair place was your store? A About six miles.

Q About what time of the year did you first see them? A I think it was in May, sometime in the spring; they came there and bought some groceries and things.

Q You are sure you saw them there? A Yes sir.

Q And that was in the spring of '66? A In May or April.

Q You are positive that you saw Moses there with his father? A Yes sir.

Q Where were they living then? A On the Glen McHair place.

Q Did they make a crop there? A They said they did, I didn't see the crop.

Q Did Mrs. McHair live there then? A The Church & Mrs. McHair.

A Yes sir.

Q When did she move there? A I don't know.

Q That was the place they lived on one she owned? A Yes sir.

Q You used to hear her about in talking people of the Cherokee

Nation then you do about the Cherokee people don't you? A There were not many Cherokees there about that time, they had all gone out.

Q You don't know when she got back? A No sir.

Q What are you doing now? What is your occupation? A I told you that the other day.

Q Well I want to know how you feel? A I am not doing anything just now, am sort of idle.

Q You testified for what is known as the Robinson case before the

-14- Moses Riley Jr

Kerna-Clifton Commission five years ago didn't you? A Yes sir.
Q How much did they give you to testify for them in that case?
A They has that to do with this case.

Q I want an answer to this question, I am going to ask that question of you every time that you come here and testify.

BY MR. MELLETT: I desire to object to the question the attorney for the Cherokee Nation asks this witness as to what he received for testifying in a case before the Kerna-Clifton Commission, on the ground that a witness cannot be impeached by proving a particular act or that makes contradictory statements, or by showing his general bad character for truth and veracity.

BY COMMISSIONER NEEDLES: I will let go for what it is worth and your objection will be noted.

BY MR. W. HASTINGS:

Q I would like to have an answer to that question? A You want to know how much they gave me?

Q Yes sir? A They agreed to give me \$25.00 each.

Q And there were five of them? A Yes sir.

Q That would be \$125.00 in all? A Yes sir.

Q Did any one else agree to pay you that time? A Yes sir Andy Daniels.

Q How much? A \$50.00 for himself and his wife.

Q Did any one else? A No sir, several promised me but never paid me.

Q You took notes for people didn't you for testifying for them?

A Yes sir, I took notes from those I have named.

Q Have these people in this application here, agreed or promised to give you anything? A No sir.

BY MR. MELLETT:

Q Did they give you this money as a bribe to testify falsely? A No sir.

Q Did you testify the truth? A I did.

Q Was the money received from them in payment of your time and expenses? A Yes sir.

BY W. HASTINGS:

Q How long were you on the stand in that case? A I don't know.

Q All of them were consolidated as one case were they not? A Yes sir.

BY COM'R NEEDLES: Moses Riley applies for the enrollment of himself and his child Lillie Riley as Cherokee Freedmen; upon examination of the authenticated roll of 1880 his name cannot be found thereon, but it is found in the Kerna Clifton roll and the Wallace roll according to page and number of the rolls as indicated in the testimony. The name of his child Lillie is also found on the Kerna-Clifton roll and is duly identified as the child of the applicant. The applicant is identified on the Kerna-Clifton roll as Moses McHair or Riley, and his child Lillie is found as Lillie McHair. They are both duly identified as the applicant and his child; they both make satisfactory proof as to residence. Consequently the said Moses Riley as Freedman on what is known as a DOUBTFUL CASE is awaiting the further consideration of the Commission. When the Commission arrives at a final conclusion in this case he will be notified by mail.

Chas. W. Perkins, being sworn, deposes that as stenographer to the Commission he has taken down in full the proceedings in the enrollment of the above application and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 20th day of May 1901, at White, T.Y.

Witness my hand and seal.

Commissioner.

Chas. W. Perkins, being sworn, deposes that as stenographer to the

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Commission to the Five Civilized Tribes he made the foregoing copy of the original transcript in said case and that same is a true and correct copy thereof.

Subscribed and sworn to before me this May 29 1901.

(signed) M. D. Green.
(signed) C. N. Brookbridge,
Commissioner.

To be filed with the case of Emma Purile, C. F. D. #265.
Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., May 31st, 1901.

By Commissioner C. N. Brookbridge:

This testimony is additional testimony and will be filed in Cherokee Breach doubtful cases, #258, #260, 261, #262, #263, #264, #265, #266, #267, #268, #269, #270, #271, #444 and #704.

I, Chas. von Weise, upon my oath state that as stenographer to the Commission to the Five Civilized Tribes I reported in full the above order and that the foregoing is a true, full, true and correct transcript of my stenographic notes thereof.

(signed) Chas. von Weise.
Subscribed and sworn to before me this 27th of August 1901.
(signed) T. B. Needlen,
Commissioner.

To be filed in the case of Emma Purile, C. F. D. #265.
Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., May 31st, 1901.

Mellette J. Smith, for applicants;
W. W. Hastings, for Cherokee Nation.

SUPPLEMENTAL TESTIMONY in the matter of the application of Moses Riley, C. F. D. #258,
MOSES RILEY, being sworn by Com'r Brookbridge, testified as follows: (By Commissioner.)

Q What is your name? A Moses Riley.

Q How old are you? A 51.

Q What is your post office address? A Cherokee.

Q You have already applied for enrollment? A Yes sir.

(By Mr. Mellette)

Q Columbus McHair made a statement in your case at Vinola that you returned to Kansas in the fall of 1866 and brought your father's family to the Cherokee Nation in 1866, and that he was in Kansas when you brought them back? A He was in Kansas but not in that year.

Q When was it? A '67, fall of that year.

Q What did you go there for then? A After my aunt.

Q Where was your aunt? A Working at a hotel at Garnett, Kansas.

Q Did you bring her back to the Territory? A Yes sir.

Q Had she been here before that herself? A Yes sir.

Q And you, or did you not go after your father's family? A I left them right on the McHair place when in Salado district.

(By W. W. Hastings)

Q What was your aunt's name? A Mary Rogers or McHair.

Q You were present when Columbus made his statement in your case? A No sir I was not in the tent.

Q How did you find out that he gave it in that way about it? A I saw it in Mr. Mellette's hands.

Q Did Mr. Mellette speak to you about the inconsistency of that statement? A No sir.

Q Did you talk with Columbus about it? A He said that it was wrong himself. As soon as he came out of the tent he said that he had made

a mistake.

Q Didn't you ask him to correct it? A No sir, I desired it should be corrected, but I did not tell him to do it for he said that he was going to his wife.

Q Did Dan ever tell you that he had done it? A No sir he didn't. (By Mr. Mellette)

Q How when you went up to Kansas that time after your aunt, who went with you? A Jerry Butler, Jim McHair and Columbus Rogers.

JERRY BUTLER, called and sworn as a witness for the applicant by Com'r Breckinridge, testified as follows:

(By the commission)

Q What is your name? A Jerry Butler.

Q How old are you? A 43.

Q What is your post-office? A Ghoutau.

Q How long have you lived in the Cherokee Nation? A All my life except during the war.

By W. W. Hastings)

Comes now the representatives of the Cherokee Nation and respectfully protest against the present witness testifying for the reasons that the purpose for which this witness is to be introduced has been explained by the attorney for the applicant, and which is to be, first, to make a correction of what one of his own witnesses has testified, as he states, erroneously; and for the reason that the witness himself is present and should be called first and allowed to correct his own testimony; and second, because it has been explained that additional testimony is desired to be given as to the time of the return of the applicant, after the case is closed on the part of the applicant, which will result in making the investigation interminable; and third, because this witness who is now desired to be introduced was present a number of days at Vinita where the application was made and was not at that time introduced; and fourth, after a case is closed it is not permissible to introduce additional testimony upon a point already inquired into.

(By Commissioner C. A. Breckinridge) The case is not as yet closed in a formal manner, and it is not, or has not been, the practice of the commission in any of these cases to treat any of the cases as closed, down to this time. The Commission will not permit an abuse under the form of taking additional testimony which would simply be a multiplication of testimony from the same source; but in frequent instances in conducting these cases it has been found advisable and proper to permit applicant and witnesses to correct their own testimony where they have any of that they have made a mistake in certain particulars, and it is understood that in the present instant the purpose is to bring out certain circumstances which were not developed heretofore and which were calculated to produce an honest but erroneous impression as to facts. Therefore the examination will be permitted to proceed.

(By Mr. Mellette) (Of Jerry Butler)

Q You say you are 43 years old? A Yes sir.

Q Are you a freedman citizen of the Cherokee Nation? A Yes sir.

Q Are you on the 1880 roll? A Yes sir.

Q Do you know the applicant, Noace Riley? A Yes sir.

Q Did you know Riley when, his father? A Yes sir.

Q Do you know where Riley McHair, and this applicant and the other members of the family were in 1866? A In the fall of 1866 my father and I was hauling corn from a place called the Dr. Thompson place of John's Ferry and Uncle Wiley McHair and his wife, through there and then in the summer of 1867 I and John Riley and Columbus Rogers and Jim McHair all went back to Kansas after Columbus McHair and was Noace Riley's aunt.

Q Where did you find her in Kansas? A Found her in Barnett, Kansas.

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working in a hotel called the Hotel's hotel.

Q In '67? A Yes sir.

Q Did you see Columbus Riley in '67? A Yes sir, that was the first time that I saw him.

Q Going back to the fall of '66, you say you saw Riley Mr. Sir?

A Yes sir, there when he was hauling corn.

Q In the Cherokee Nation? A Yes sir.

Q Did you or did you not see any other members of his family in the fall of '66 in the Cherokee Nation? A We went up there in the winter it was late in the winter, all or nearly, and staid all night at uncle Riley's.

Q Who was there then? A His wife and children and himself.

Q In what year was that? A In the fall or winter of '66, before we went back to Kansas.

(By the Court.)

A You say you are 43 years old? A Yes sir.

Q You were born then in 1858? A Yes sir.

Q You were 8 years old then in 1866? A Yes sir.

Q What relation are you to Moses Riley, the applicant? A Not a bit on earth.

Q What relation are you to his father? A Not a bit.

Q You call him uncle Riley? A Just like we call 'em, call the old people uncle.

Q Were you at Vinita when Moses Riley made his application? A All through the enrollment.

Q You are sure you went to Garnett, Kansas? A In '67? A Yes sir, in '67.

Q What sized place was Garnett? A Pretty good sized place.

Q Was there a railroad there? A Yes sir, the K. C. & T. Was at Ottawa; we went there to Ottawa after potatoes, mother and that was the first time that I saw see a rail road, there was built to a little creek called a Magazine.

COLUMBUS RILEY called and sworn as a witness testified as follows. (By Mr. Kelleher.)

Q Have you given testimony in this matter heretofore? A Yes sir.

Q Are you a freedman citizen of the Cherokee Nation? A Yes sir.

Q At you in the fall of 1866? A Yes sir.

A You stated in your testimony heretofore in this case that in the fall of 1866 Moses Riley the applicant went back to the Cherokee Nation, Kansas to bring his mother and the rest of his family back to the Cherokee Nation, as you want to make my correction of that statement? A I went up in the spring like of '66, left the Cherokee Nation in March, '66, first year after the war, and then went up through into Kansas and that fall Moses Riley and Jerry Butler came up there.

Q Your former statement was correct then? A Yes sir, that what I thought it was.

Q Who came with Moses? A Jerry Butler.

A What did he bring back with him? A I suppose he brought his mother back, but he says now that it was his son that he brought back.

(By the Court.)

Q Did you see him when he got back? A Yes sir, I wasn't there then.

Q Is his mother my first wife? A Yes sir, my first wife.

(By the Court.)

Q What relation are you to Moses Riley? A He is my uncle.

Q Did you say anything in your first testimony at Vinita of Jerry Butler coming up to Kansas with Moses? A Yes sir, I think so.

Q Did you ever work for him after that time? A I don't know anything about that.

Q Did you ever hear of him? A I heard of him through Thompson.

Q Did you ever hear of him? A I heard of him through Thompson.

Q Is that all the family that you saw up there? A Yes sir, all down.

here, but that one I guess.

Q. Are you sure that it was not '67 that you saw those come up there?

A. Yes sir, I think it was in '66.

Q. Did you see all these people there, Ned and Andrew and the others in the spring of '66 down here? I think it was, but they says now it was in the fall.

Q. Are there any more corrections that you want to make? A. No sir.

Q. You say you lived in the Cherokee Nation until the spring of '66?

A. Yes sir in March.

Q. And did you then go right through the Cherokee Nation into Kansas?

A. Yes sir.

Q. You have the fixed definitely in your mind? A. Yes sir, I went up right in the war.

Q. Did you see Moses Riley up there? A. Yes sir that is what I think, but they says now it was later than that.

Q. When did you see in Kansas in the spring of '67? A. I don't know who all.

Q. For how long did you stay up there? A. Along about - must have been September or October when I got back.

Q. When was it you remember seeing Moses Riley up there in Kansas?

A. In the fall.

Q. Of '66? A. Yes sir.

Q. You didn't see him there in the spring of '67? A. No sir.

Q. And you did see him there in the fall? A. Yes sir.

Q. Did he come up there when you were there? A. Yes sir.

Q. Did you see besides him in Kansas? A. Jerry Butler.

Q. Any more of the Riley people? A. No sir.

Q. Any of the women, or the family? A. No sir.

Q. Did you see Moses' father? A. No sir I didn't see them, I was three miles in the country, three miles from town with my sisters and they said they came up there after them.

Q. After that? A. I thought it was his mother but they said now that it was his aunt instead of his mother.

Q. You never did know of your own knowledge then who they came for?

A. No sir.

Q. You are only testifying then of the people you actually saw up there and what they told you? A. Yes sir.

Q. Did you go back to Kansas after that fall? A. Yes sir.

Q. When? A. That winter.

Q. When was it in the winter? A. I can't tell you what time I went back that winter and came back the next spring like an old calendar I can't remember just what month it was.

Q. Is it long did you remain when you came down in the fall of '66?

A. I didn't stay here more than two or three weeks.

Q. And then you went back to Kansas? A. Yes sir.

Q. To Garretts? A. Yes sir.

Q. When did you get back to Kansas after you came back from Garretts?

A. Sometime after Christmas, maybe.

(In Hastings)

Q. Do you mean to tell the Commission that you were up there from the spring of '66 and remained at Garretts all of '66 and winter three miles of Garretts at your sister's? That you don't remember now of seeing Moses Riley up there who was your aunt? A. I said that when they came up there I was three miles from town and I was with my sisters and I supposed that they came up after the Riley's mother but that they says now that they came up after his aunt.

Q. And you say now that you don't remember seeing Moses Riley's mother in Garretts for 3 months up there? A. Yes sir I didn't.

Q. You are positive I don't know? A. Yes sir.

Q. Do you know any of the folks that were living down here then?

A. No sir I don't.

Q. You testified that you came to the Garretts place when you were going back from the Cherokee Nation to Kansas in the spring of '67? A. Yes sir.

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Don't you know who you saw there in the spring of '87? A. The first of the summer it was that I saw him in the Cherokee Nation.
Q That was not the way you testified a while you were at Vinita was it?
A I don't know what I testified at Vinita, I can't remember all they asked me there.
Q Didn't you say that you saw this fellow there in the spring when you were coming through? A I thought it was in the spring but they say now that it was in the fall.
Q You say you didn't work for Mark Thompson? A No sir.

Chas. Tom Wilson, being sworn states that a stenographer to the Commission to the Five Civilized Tribes he reported the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Said and filed on file.)
Subscribed and sworn to before me this 23rd of August, 1904.
(Said and filed on file.)
Commissioner.

SUPPLEMENTAL, D 256, in rebuttal.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., May 31, 1904.

In the matter of the Application of Jacob Riley et al, for enrollment as Cherokee Freedmen,
MARY J. THOMPSON, being sworn and examined by Commissioner Brockinridge, testified as follows:

Appearances:

Hellette, Hellette & Smith, for applicants;
W. V. Eastings, Cherokee Representative.

Q Give me your name? A Mary J. Thompson.
Q How old are you? A 32.
Q What is your post-office? A Chiles.
Q In what district do you live? A Cowlesboro.
Q You desire to give testimony, I believe, in the Cherokee Freedmen case of Jacob Riley, and his daughter, Lillie, is that right?
A I don't know anything about his family, he was a friend of mine I knowed him.
Q Is this the case you are here to give testimony in? A It is a Riley case.
Q I want to find out what case I am dealing with here I take testimony, it is in the Riley case, is it? A That is.
Q How long have you lived in the Cherokee Nation? A Ever since the fall of 1866.

Examined by Cherokee Representative, W. V. Eastings:

Q What was your maiden name? A Hale.
Q When were you first married? A In 1864.
Q To what? A D. J. Brown.
Q You were married, and at that time were you a free woman?
Q Yes, I was a free woman, but I was a slave at that time.
Q Was that your last husband? A No sir, I was married to my last husband.
Q Where were you during the Civil War? A In Texas.
Q How did you return to the Cherokee Nation? A I came back in 1866.
Q Do you know what his father's name was? A I don't know.
Q Where did you come to in the Cherokee Nation? A I came to the place where I live now, the Cowlesboro Indian Reservation.
Q In what district was that? A In Cowlesboro.
Q What time did you see him? A In the fall of '88, November.
Q Where did you live at that time? A I lived at that place, Grand River.

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Q You told me you continued to live on that same place? A I lived there until '77.

Q Now, when you saw a colored man in the house of Riley's air?

A Yes sir.

Q When did you first see him? A It was in May, 1867.

Q Where did you see him? A He came to our place the 6, W. C. Riley's place.

Q The place where you were living? A Yes sir.

Q Did you know where he came from? A He claimed to come from Kansas.

Q Did he move his family with him? A He did not; he worked there for us until fall; he went back and put his family in '67; he came in May '67 and went back in the fall and got his family.

Q Do you remember any of the members of that family? A I think there was one named Moses, and one Andrew as near as I remember, and it seems to me like there was a girl named Charlotte; there was about seven; and then there was smallest children; I don't remember now; Sarah was his wife's name.

Q Was his wife Sarah or any of the members of his family with him when he first came in May '67? A Yes sir, he came by himself.

Q You know where he remained after May of '67 until he returned in the fall after his family? A He had a crop at our house, worked there, cultivated a crop for us, and then he was in the fall and made another crop in the year '68, and then in the fall of '68 he moved to Pryor's Creek, and I don't know much about them since they moved away.

Q That was your husband's old home place? A Yes sir, that was his old home place.

Q Do you know where Riley's air went after his family in the fall of '67? A He claimed to go to Kansas. I don't remember, somewhere near Fort Scott as well as I remember.

Examined by Attorney Kellette:

Q Mrs. Thompson, about how old were you at that time? A I guess 38 or 9, I don't remember.

Q Hardly, if you are 52 now? A Well, you can count back.

Q That has been about 36 years ago? A Yes sir.

Q About 28 you mean? A Yes, that's it.

Q When were you married to Mr. Brown? A In '52.

Q How was it '52 or '53? A '52.

Q Did you say a while ago that it was '58? A No, I don't think I did.

Q What month were you married to Mr. Brown? A In November.

Q Where? A In Eastern Texas.

Q When did you go to Texas? A My parents moved to Texas when I was in my 16th year.

Q What year did they move to Texas? A In '52.

Q Do you remember that? A Yes sir.

Q You remember that it was '52? A Yes sir.

Q And what year did you come back from Texas? A We came back in '65, to Red River, and there we stayed a year, and in the fall of '66 we came up here to the Chickasaw Nation.

Q Your husband's mother was living with you on Red River in the Chickasaw Nation in '65, Susan? A Yes sir, she died in Eastern Texas; she had died before we came to Red River.

Q Your husband then succeeded to the place there in Saline District the old Riley place? A Yes sir.

Q He was owner of it at that time? A Yes sir.

Q In '65 you lived in the Chickasaw Nation on Red River?

A Chickasaw Nation.

Q What time in '65 did you come to the Chickasaw Nation? A We came in the fall.

Q How long after the war closed? A Yes, the war closed about along in April, wasn't it, that spring, and that fall we came to the Chickasaw Nation, and next fall we moved on up here.

Q How did you know a colored man named Sophie Pryor? A No sir.

Q Did you know a colored man named Columbus Pryor? A Yes sir.

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Q When did you first see him there about the old McHair place?
A Taken down on the Red River there with Martin Thompson, in '53,
and in the spring of '54 he left Martin Thompson and came up
this way, and it was three years then before we heard anything more
of him, and he came to our place here on Grand River.
Q Was there that Columbus McHair left the Chickasaw Nation and
said he was coming to the Chickasaw Nation? A No, he didn't come
to the Chickasaw Nation, he claimed to be in those lower nations
with John and Art Thompson, who lived in Texas; he was a good-ly
he claimed to us, during those three years.
Q Yet understand that Columbus McHair was had been a slave on the
same place that Riley was, and when a slave didn't come to
the place he was until when? A It must have been '63.
Q Now as a matter of fact don't you know he came back in the
spring of '66 to the old place there? A No sir, not that I know of.
Q You don't know that he did or he didn't? A No; he left us there
and we never heard of him any more for three years.
Q Well then if he came to the old place and found this Riley McHair
there then you are mistaken about Riley McHair not coming until
the spring of 1869? A No, it is the other way I guess; I am
must have stayed away until '66.
Q How long Riley stayed away until '66? A Yes, I think it was towards
the latter part of the summer he came to our place to visit us,
and Riley was living right here on Bryor's Creek then.
Q Where did Columbus McHair come from at that time? A He claimed
to come from a ranch below Fort Smith, in the Choctaw Nation, it
seems to me.
Q That was in 1867? A Yes sir, as far as I remember, and he only
came up on a visit, and went back and I don't remember how long be-
fore he came again.
Q You know a Choctaw Indian named William Foreman, who testified
in this case for this application, of Bill Foreman; did you ever
know him, had a little store there close to the McHair place in 1866
you remember his having a store there? A No sir, I think I have
seen the man, but I don't remember he lived by the river above from
where we lived.
Q How far did he live from you? A He lived on Lynch's Prairie.
A Yes sir, it was eight or ten miles from us.
Q He lived there after you got there in '67? A I don't know, he
had been here several years it seems to me before I met him; I
remember seeing him and remember the name.
Q Now as you remember Mary McHair, that belonged to Martin
Thompson? A Yes she was a daughter to Susanna McHair.
Q Tell you remember her? A Yes sir.
Q Where was she when you came back in '66? A She came up here
with Martin Thompson from the Chickasaw Nation.
Q With Martin Thompson? A Yes sir.
Q Then she came back here in '66 with you and Martin Thompson?
A Yes sir, if it is correct I am thinking of.
Q Well, it is the name of Mary Riley? A Yes sir, she came back.
Q She came into this Nation, she had been Susanna McHair's
slave during the war, I think so, I told that she was.
Q And you brought her back in '66? A No, Martin Thompson.
Q Well, she came to you at the same time you did? A Yes, she came
at the same time I did, she was from those families.
Q And she was in the fall of '66? A Yes sir.
Q And she was never got on the 1860 roll? A I don't know, she
has been dead quite a while; at least I have been told it was, maybe
it was her husband's name.
Q Columbus McHair? A Yes sir, that was his name; it seems to me
I have been told she died.
Q How long did you live on that place where you came from
Texas? A Well, July, 1871.
Q Then where did you go after that to the Territory country?

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Can't you see that? The bill is filed in the name of the State of New York.

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3. City: [Illegible]
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On 11/11/1964, the following information was received from the New York City Police Department:

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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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Testimony and proceedings in the case of the people of the State of New York v. the People of the State of New York, et al.

1. The above information was obtained from the files of the FBI, New York Office, dated 10/10/61.

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7-10-68

RECEIVED BY THE DIRECTOR, FBI, MAY 10, 1961

1870-1871

22- Moses Riley et al 3 (20)

Q Then you married to Mr. Thompson? A No married in-
and I moved right out.

Q You have been married three times, Brown, McAir and Thompson?

A Yes sir.

Q You testified to these facts that you now testify to before the
Kerns-Clifton Commission didn't you? A I guess I did; they had me
at Claremore and here at Vinland.

Q Didn't you testify before the Wallace Commission too? A No sir,
I don't think I did.

Com'r Buckinridge? This will be filed as additional tes-
timony in Cherokee Freedmen doubtful cases 258, 260, 261, 262,
263, 265, 267, 269, 270 and 441.

Cherokee Representative W.W. Hastings: The Representa-
tives of the Cherokee Nation desire to give notice that they
will offer additional testimony on Monday, June 10th, 1901.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

(signed) M.D. Green.

Subscribed and sworn to before me this June 1st, 1901.

(signed) T.D. Needles,
Commissioner.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he made the foregoing copy
and that same is a true and complete copy of the original transcript
(signed) M.D. Green.

Subscribed and sworn to before me this September 3rd, 1901.

(signed) T.D. Needles,
Commissioner.

M.D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he made the foregoing copy
and that same is a true and complete copy of the original as filed
in the case of Anna Purdie.

M.D. Green

Subscribed and sworn to before me this September 17th, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHALSEA, I.T., JUNE 10th, 1901.

In the matter of the application of Mollie Townsend for the enrollment of herself and four children as Cherokee Freedmen; said Townsend being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Mollie Townsend.
Q How old are you, Mollie? A 22.
Q What is your post office? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir, I don't know.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace roll.
Q Are you married? A Yes, sir.
Q What is your husband's name? A William Townsend.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Have you any children? A Yes, sir.
Q Do you want to enroll your children with yourself? A Yes, sir.
Q Well how many have you got? A I got four.
Q Well, give me their names? A Rosa Townsend.
Q How old is Rosa? A She is seven.
Q The next child? A Georgie.
Q How old is Georgie? A Five.
Q The next one? A Arthur.
Q How old is Arthur? A Four.
Q The next child? A Ethel.
Q How old is Ethel? A One.
Q What is your father's name? A Jess Johnson.
Q What is your mother's name? A Emma Purdie.
Q Are they living? A Yes, sir.
Q Your father and mother both been enrolled here before us?
A Yes, sir.
Q When were you married to Townsend? A Eight years ago.
Q What is his first name? A Named Will.
Q Is he a citizen you say? A Yes, sir.
Q Has he been listed for enrollment himself? A Yes, sir.
Q Wonder if he listed these children? A No, sir.
Q Why didn't he enroll you and these children? A Because I was going to enroll them myself.
Q Did you draw what is known as the strip money? A Yes, sir.
Q What was your name then? A My name was ~~Emm~~ Mollie ~~Kann~~ Townsend.
Q Were you ever married before you married Townsend? A No, sir.
Q Is this your first husband? A Yes, sir.
Q And are you his first wife? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 124, #3094, Mollie Vann, Saline District.
Page 120, #2991, Rosa Townsend, Tahlequah District.

- Q Where were you born, Mollie? A Down on Grand river.
Q Cherokee Nation? A Yes, sir.
Q Live there all your life? A Yes, sir.
Q Are these children all alive now? A Yes, sir.
Q Living with you? A Yes, sir.
Q Well Townsend's children? A Yes, sir.
Q How do you claim citizenship through, your father or mother?
A They are both.

Mollie Townsend, et al.--2.

COM'R NEEDLES: Mollie Townsend applies for the enrollment of herself and four children, to-wit: Rosa, Georgie, Arthur and Ethel. She avers that she is the wife of Will Townsend who has been listed for enrollment this day. She also avers that she is the child of Jesse Vann and Emma Purtle who have been listed for enrollment upon Doubtful card #254 and #255 respectively, and the testimony taken in the cases of the said Jesse Vann and Emma Purtle will be made part of the record in the case at bar and a copy of the testimony in both of said cases will be filed herewith. She is duly identified upon the Kern-Clifton roll. Her oldest child Rosa is identified upon said roll according to the page and number of the roll as indicated in the testimony. The applicant's three younger children herein are not identified upon any of the roll, having been born after they were compiled. It will be necessary for her to file satisfactory proof of birth as to said children. She makes satisfactory proof as to residence, consequently said Mollie Townsend and her four children will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The final decision of the Commission will be made known to ~~them~~ the applicant at her post office address.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 22d day of June, 1901.

[Signature]
Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes
Winnipeg, D. C. October, 4th 1901.

SUPPLEMENTAL TESTIMONY in the case of Mother Townsend et al, U. S. D. #258.

Apparances:

F. T. Hastings Attorney for the Cherokee Nation,
Mallotte & Smith, Attorneys for the defendants.

(Witnesses placed under the rule.)

H. L. MARTIN being first duly sworn by Commissioner F. T. Hastings
testified as follows on the part of the Cherokee Nation:

(By Hastings)

Q What is your name? A H. L. Martin.

Q What is your age? A 34.

Q What is your post office address? A Pensacola, I. T.

Q Are you a Cherokee citizen by blood? A Yes sir.

Q What is your father's name? A Joseph H.

Q Where did you live before the war? A We lived in the Cherokee
Nation about 80 miles below Mena.

Q On this side of the other side of Grand River? A On the west side.

Q Did you know Jack McNair? A Yes sir.

Q Did he own a farm before the war? A Yes sir.

Q Where was it? A On the east side of the river about 3 or 4 miles
west where we lived.

Q What time McNair any relations to you? A Yes sir, first cousin.

Q Did you know a slave that belonged to the McNairs by the name of
Hiley McNair? A Yes sir.

Q Did you know him before the war? A Yes sir, he belonged to us when
the war broke out.

Q Belonged to you? A Yes sir.

Q When did you come back to the Cherokee Nation after the war?
November of '66.

Q Do you know when Hiley McNair returned with his family to the
Cherokee Nation after the war? A Yes sir.

Q Tell the circumstances about it? A December '67 I was on the road
going to Mena and we met them between Mena and Chetopa and he
said he was going home.

Q Did you stop and talk with him? A Yes sir.

Q Did he have his family with him? A Yes sir.

Q What part of December of '67 was that? A Early part of December.

Q You say he had belonged to your father and the war broke out?
A Yes sir.

Q And you say you got him back in Mena and sent a vein with him as
he was going back to the Cherokee Nation? A Yes sir.

Q Did he say where he had been? A I don't know where he was.

Q You say you met him between Mena and Chetopa? A Yes sir.

Q Between the two places, I don't know just the place, but between
those two towns somewhere.

(By Mr. Mallotte)

Q How did you come back to the Cherokee Nation? A November '66.

Q How can you remember that? A I don't know, but I remember.

Q Did you have any other relations to the McNairs? A Yes sir, you
were back? A I don't know.

Q What did you see in the McNair family? A I don't know.

Q Did you see any other relations to the McNairs? A I don't know.

Q Did you see any other relations to the McNairs? A I don't know.

Q Did you see any other relations to the McNairs? A I don't know.

Q Did you see any other relations to the McNairs? A I don't know.

Q Did you see any other relations to the McNairs? A I don't know.

Q Did you see any other relations to the McNairs? A I don't know.

Q Did you see any other relations to the McNairs? A I don't know.

Q Did he set down when he left the station? A Yes sir.
Q Where is that book? A I don't know where it is now.
Q Are you testifying about what you recollect or what you saw in the book? A What I recollect.
Q Not by the book then? A No sir.
Q You remember positively that you came back in 1901? A Yes sir.
Q There was no particular reason for remembering that year '01 was there? A Yes sir.
Q What was it? A Everything that happened made me remember it.
Q You were young at that time? A Yes sir.
Q Where did you land when you came back? A Place called Greenup.
Q How old were you? A I was born in 1847.
Q Can you remember about how old you were in 1901? A 38.
Q Where did you locate when you first came back? A Greenup.
Q You went up in Kansas when? A The next year, '02.
Q And then you met Riley McWair? A Yes sir.
Q What kind of a team did he have? A Four team, I think, not certain about that.
Q What kind of a wagon did he have? A Four wheeled wagon.
Q You remember that do you? A Yes sir.
Q Now, he didn't have a Texas dump bed with him? A I don't think he did.
Q Do you know he didn't? A He might have had it in his wagon.
Q You know that he was not driving a Texas dump bed with two wheels and that he did not have a four wheel wagon with him? A I didn't see any two wheel wagon.
Q Who was with him? A He said he had his family with him.
Q Any one asked? A I don't recollect.
Q You remember or no one else being along? A There might have been some one else along.
Q Why don't you remember? A There was people along.
Q Who was along? A His wife and children I suppose that is what he said.
Q How many children? A I didn't count them.
Q How many wagons? A Only one as I remember.
Q Do you remember what children were along? A No sir, I don't.
Q Were they men or women? A Children.
Q Thomas children? A I don't know except that he said they were his family.
Q They were all small children were they? A I don't know as they were all small.
Q Did he have any children before the war? A Yes sir.
Q Who? A Rose and two or three others.
Q Do you remember them? A No I don't remember them as I don't remember brothers and sisters.
Q I don't expect you to remember that but you know you remember them all? A Yes sir.
Q How many children he had along? A I don't know.
Q It was in December he left? A Yes sir.
Q How do you recollect it? A I don't know.
Q Is that why you say December? A Yes.
Q Then you don't remember what it was? A I don't know.
Q How the date exactly?
Q When did you come back from Kansas? A I don't know.
Q How many of them? A I don't know.
Q Where did you go? A I don't know.
Q How did you happen to go there? A I don't know.
Q Were you driving cattle? A I don't know.
Q How many Riley McWair's? A I don't know.
Q How many Riley McWair's? A I don't know.
Q How many Riley McWair's? A I don't know.
Q How many Riley McWair's? A I don't know.
Q How many Riley McWair's? A I don't know.

A I don't know, my father had two or three places.
 Q You don't want to say your father owned Riley McNeill at the break-
 ing out of the war? A Yes sir.
 Q What was your father's name? A Mr. Martin.
 Q Was he a Cherokee citizen? A Yes sir.
 Q What relation is Susanna McNeill to you? A My aunt.
 Q Do you know a fellow named Jerry Butler? A Not very well.
 Q Was he along with Riley McNeill when you met him? A I don't remember.
 Q Why don't you remember that? A I guess because he wasn't along.
 Q Do you know this man here? (pointing) A I take it to be Riley
 McNeill.
 Q Was he along when you met that Mr. Butler? A I can't swear that.
 Q He was about as old as you were when you met him? A How old is he?
 Q About 50. A He might have been along.
 Q I would like to have you state to the best of your recollection, to
 the best of your judgment as to whether he was along or not. He is
 the applicant here now for citizenship, and I would like to know if
 he was along? A I don't remember if he was or not.
 Q What place did they locate on when they came back here? A I don't
 know, as I know for certain, the first place I saw that was owned by
 Pete Donohoe's.
 Q How long after that did you see them on Pete Donohoe's place?
 A Good while, when I came up there it must have been in '88 or '90.
 Q Is it not a fact that Susanna McNeill owned Riley McNeill at the
 breaking out of the war? A She was dead long before the war broke
 out.
 Q Now don't you know that Susanna McNeill owned Riley McNeill at the
 breaking out of the war, and that she died in Texas after the war? A
 I don't recollect about that, except Riley McNeill was with us when
 the war broke out, and we had him for several years.
 Q You say Susanna McNeill died before the war? A I don't remember.
 Q That made you say then that she died long before the war? A Well
 I don't remember when she died, but I don't know about that, but I
 know about Riley, I can prove by other people that we owned him and
 that when the war broke out he was living with us.
 (By Hastings)
 S. Mr. Martin, you said that when you met Riley McNeill he had some
 children along, but that you don't know who they were? A Yes sir, he
 said he had his family along and was living with him.

CHARLES SHAB, being first duly sworn as Commissioner of the
 Needles, testified as follows in the case of the Cherokee Nation
 through Simon A. Hastings, Jr. as interpreter:

(By Hastings)
 Q What is your name? A Charles Shab.
 Q Are you a Cherokee? A Yes sir.
 Q Was you in the war? A Yes sir.
 Q Where were you captured? A At Fort Gibson.
 Q When? A In the year 1864.
 Q Where did you come to after you were captured? A I stayed out
 in a line of soldiers with a few other men.
 Q How far was that from the fort? A I don't know.
 Q Did you live in that place? A Yes sir, I lived there for some
 time.
 Q How long? A About a year.
 Q How far from the fort? A I don't know.
 Q How did you come back from there? A I don't know.
 Q How long? A I don't know.
 Q How far from the fort? A I don't know.
 Q How did you come back from there? A I don't know.

Q Where did you move to then and how long did you stay there? A To Joe Martin's.

Q How far was that from the old McHair place? A About two miles.

Q Where did you live in '68? A At this Joe Martin's place.

Q Was you ever about the McHair place in that year? A Yes sir I would go there frequently.

Q Did you see any markings making a trap on the McHair place in '66?

A No sir I didn't see any.

Q By McHattie:

Q Could you see good in 1866? A Yes sir I could see good then.

Q Can you talk English? A No sir.

Q Can you read? A No sir.

Q How old are you? A 70 years old, I think.

Q Did you live in a house when you were within 70 yards of the Jack McHair place in '65? A Yes sir.

Q Where was that? A Me and my family were keeping house.

Q Where was that? A Why it belonged to a man named Owl.

Q Is it not a fact that Owl's house was a mile and a half from the Jack McHair place? A Yes sir this Joe Martin place was about a mile and a half from there.

Q Ask him if the Owl house is not a mile and a half from the Jack McHair place? A No sir.

Q How far is it? A About 70 yards.

F. B. RIDER, being first duly sworn by Commissioner F. B. Neffles, testified as follows: On the part of the Cherokee Nation

By Hastings:

Q What is your name? A F. B. Rider.

Q What is your age, Mr. Rider? A 34 years old.

Q Are you a Cherokee citizen by blood? A Yes sir.

Q Where do you live? A In the Territory, on Pryor Creek, seven miles south of Chassee.

Q When did you begin to live there after the war? A I went there in the spring of '67.

Q Did you, at any time, either before or after the war, know a colored man named Riley McHair who had some sons, Howe and Andrew Riley and others? A Yes sir I knew him.

Q Do you know what they located there on Pryor Creek? A Yes sir to the best of my recollection they located there in the fall of '66.

Q Where have you continued to live since the spring of '67? A Right in the same place I first settled on.

Q How far did they locate from you? A On a tract of land, it is four or five miles from me.

Q Was the country thickly settled at that time? A No sir.

Q Is it prairie or timber? A Timber and prairie both, there is timbered hills running through.

Q Is the country generally timber or prairie there? A South east it is more prairie than timber.

Q Do you know whether Riley McHair or any of his sons were arrested any that or not? A Yes sir.

Q Do you know what they were charged with? A Dog stealing.

Q From whom? A By brother Alan McHair.

Q Is he a Cherokee citizen? A Yes sir.

Q Have you at the time? A No sir but I went with the sheriff and took care of them, I went to the court.

Q Where was that? A I don't know where it was that they were arrested.

Q By McHattie: I want it to be known of you that they located on Pryor Creek south of the Owl? A Yes sir I think so.

Q Are you certain that it was in the Fall instead of the Spring of that year? A Yes sir.

Q How far is that from what is known as the Old Jaw McHair place? A Somewhere between 10 or 20 miles.

EDWARD BYRD being called and having been first duly sworn by Court Clerk P. B. Woodley, testified as follows on the part of the Cherokee Nation:

Q What is your name? A Edward Byrd.

Q How old are you? A 37 years old.

Q Where do you live? A Shawnee, Cherokee Nation.

Q Are you a citizen of the Cherokee Nation? A By marriage, yes sir.

Q When did you move there? A I came to the Cherokee Nation in June or July of 1888.

Q Where did you live before? A In Pryor Creek.

Q How far is that from Pryor Creek? A I presume it was 10 or 12 miles or so.

Q Did you know any colored man by the name of Riley McHair who had been shot? A Yes, and where? A Yes sir.

Q When did you know him? A I think knew him in the Fall of 1888.

Q Did he move there in Pryor Creek? I think he came from Pryor Creek over there, he claimed to be.

Q Did he live on Pryor Creek when you moved there? A No sir, I know every one around there and he was not there.

Q How far did he live from you at that time? A I presume a mile or so.

Q Did you ever go in Shawnee upon a Cherokee Court at a time when Riley McHair and one of his sons was arraigned? A Yes sir.

Q Do you know what they were charged with? A Haremny.

Q Do you know what was done? A Yes.

Q Did they go to trial? A Yes.

Q Is there any record of anything that is of record or of trial and conviction, the record is the very best evidence and they are by the record.

Q Will state to the Court that ordinarily the records of the records are correct, and in this case I have made some inquiry and there are no records, or no records of any kind of proceedings of the Court were made, and this is the best evidence there is.

Q That does not satisfy the the necessity of the case, is the record was destroyed by fire that this would be satisfactory, but there is no way to show that they were destroyed. This was a point of record and they cannot prove its propriety unless they first show that the records were destroyed.

Q It is not so sufficient here to show that the records were destroyed by fire that they were destroyed.

Q The records are not the same and the records are not the same and the records are not the same.

Q The records are not the same and the records are not the same and the records are not the same.

(By the Commission)

posed and it will go for what it is worth.

(By Hastings or witness)

Q Did you go to the trial? A Yes sir.

Q Did they examine any witnesses? A No sir, I wasn't examined.

Q What was done with the case? A They proved there that they were not citizens of the Cherokee Nation.

(By Hollister)

Q Did you hear the evidence? A I was in the room when they were proving it.

Q Were you sworn as a witness? A I was summoned as a witness is all.

By Mr. Hollister:

I desire again to make a formal objection to the testimony here given that they proved that they were not Cherokee Citizens.

(By the Commission)

I don't think it is proper testimony.

(By Hastings) (or witness)

Q What was done with the case? A They proved that they wasn't citizens of the Cherokee Nation before the Court and the case was thrown out for want of jurisdiction and consequently I wasn't sworn to testify in the case.

(By Mr. Hollister)

Q Now Mr. Byrd, they proved that first and they, before the case had been proved against them, the defendants introduced their testimony before the government had proved their guilt? A Yes sir.

Q Did you ever in your life hear of any other case being tried in that way? A I don't know as I did.

Q Did you ever hear of a case being tried by the defendant introducing their testimony before the Cherokee Nation had introduced its testimony to show their guilt? (No response)

Q You were summoned as a witness for the Cherokee Nation? A Yes sir.

Q You were not put on the stand? A No sir.

Q Were any witnesses for the Cherokee Nation put on the stand? A I don't know.

Q Then there was no trial? A Only that they introduced witnesses to show that they were not citizens.

Q Did they have any jury? A I think it was summoned there.

Q Did they empanel the jury? A I think they did.

Q Did the jury go out and decide the case? A No sir I don't think they did.

Q How did they get rid of the case? A The judge threw it out, I think Charles Rogers was judge.

Q Is it not a fact that the jury went out and decided the case? A I don't think it did.

Q The jury was empanelled you say? A It was summoned and in the seats.

Q Who gave the evidence? A I don't know.

Q Did they examine witnesses for the defense? A Yes sir, I think their attorney was Joel Mayes.

Q The Cherokee Nation didn't introduce any witnesses? A No sir I don't think they did.

Q What did the defendants introduce any evidence to prove want of jurisdiction when the Cherokee Nation had not yet proven their guilt?

(By Hastings)

The Cherokee Nation objects to that question because it is purely argumentative and because it calls for an opinion of the witness.

(By Hollister or witness)

Q Is it not a fact that you were not present at that time at all?

Q No sir.

Q Is it not a fact that you were not at the time? A No sir.

I went there.

Q You swear that you were at the time they were tried for stealing hogs from Alex. Rider? A Yes sir.

Q And that before any proof was introduced against these men they showed that they were not citizens of the Cherokee Nation? A That is my recollection.

Q And do you consider your recollection as correct? A Yes sir.

(By Hastings)

Q Good enough to swear to? A Yes sir.

Lewis Wolf being called and sworn by Commissioner T. B. Needles testified as follows on the part of the Cherokee Nation through Simon R. Wainwright as interpreter.

(By Hastings)

Q What is your name? A Lewis Wolf.

Q How old are you? A Something near 46 about 45.

Q Are you a Cherokee citizen by blood? A Yes sir I am a full blood.

Q Where do you live? A I live in Coowasagoochee district.

Q How long have you lived in Coowasagoochee district? A I think I came here in '48 or '9 somewhere along there.

Q Did you ever know a colored man named Riley Nair, father of Nose and Andrew Riley? A Yes sir I knew him, he had been a slave of Dr. Mc Nair.

Q Was he ever at court in Coowasagoochee district where he was brought up for trial? A Yes sir.

Q Were you summoned there in any capacity? A Yes sir as a jury man.

Q Who was the judge? A Charles Rogers.

Q What was done with the case? A Just turned him loose.

Q Do you know why? A He proved that he wasn't a citizen of the Cherokee Nation, that he had returned too late to entitle him to citizenship.

Q They were not tried? A No sir.

(By Kallette)

I enter the same formal objection and ask that this testimony be stricken out.

(By Kallette of witness)

Q Who proved that? A I can't state as to who proved these facts as I was outside. I had been selected summoned but not selected on the panel to try the case.

Q You didn't hear the trial did you? A I was on the outside, as soon as the jury was selected I stepped out, I was left out and had no business there.

Q When you don't know what occurred inside of the court house do you? A Yes sir I know they turned that loose, that is about all I know.

Q All you know is that they were turned loose and left the court house? A Yes sir.

Q That year was that? A I am not able to state the exact date but I think it was in 1893.

Q Were you not too young to be a juror at that time? A I think I am old enough, I had been summoned as a juror anyway.

Q Did the jury go out in a room and decide the case? A No sir.

Q How do you know? A I saw him go in and when I saw him leave.

Q Saw who? A Tale Nair Riley Nair, colored man.

Q Was he all you knew about it? A Yes sir.

Q Did they ever hear the case or turned loose? A I didn't hear the case in the court house, it was said by everyone that they were turned loose.

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Dear Mr. Wray
7th of October, 1901.

[Handwritten signature]

Q Separate place? A Yes sir.

(By Mr. A. B. Bell, Cherokee Representative)

Q What was that place you rented to him called? A The Harrison place.

Q Where was that? A 2 and a half miles below on the river.

Q Above or below Island Ford? A Below.

Q How long did Green stay there? A I don't know exactly.

Q Did you sell it to him afterwards? A Yes sir.

Q What? A The fall of '87.

Q Was you there when Green made a crop there? A Yes sir.

Q Did the Steve help him make that crop? A He was in there when I rented that place.

Q What was Steve's name? Steve's wife? A Indian Paddle.

Q You had two people as slaves? A Yes sir.

Q Steve had a wife before he married Paddle? A Yes sir.

Q What was her name? A Hannah.

Q Did you see any of Steve's family? A No sir.

Q Neither his wife nor children? A No sir not at that time.

Q When did you first see Steve or there? A I can't say exactly, some time in '85, but I don't know when he came there.

(By the Commission)

Q Who did Steve Lynch belong to? A Joe M. Lynch.

Q Did you know Joe Lynch, his step son? A Yes sir.

Q Was he a slave? A Yes sir.

Q Who did he belong to? A J. M. Lynch.

Q Where did they go during the war? A North, I understand.

Q Do you know when they returned? A No sir.

Q The first time you saw him was in '87? A Yes sir.

Q Where they were in '86 you can't know? A No sir.

Q What time did you sell Anderson Lynch the old Harrison place? A I don't recall it exactly, I rented it to him in '87 and I think I sold it to him in the fall or winter of '87.

Q Are you sure of that? A To the best of my recollection.

Q What did you come back yourself? A '87.

Q You went out during the war? A Yes sir.

WALTER WOOD being first duly sworn by Com'r E. E. Needles, testified as follows on the part of the Cherokee Nation:

(By Mr. A. B. Bell)

Q What is your name? A Walter Wood.

Q What is your age? A 34 years.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q How long have you been that? A Since 1881 years.

Q Where did you live at during the beginning of the war? A I lived in Cherokee.

Q What right do you have? don't you know what place, Nation or where?

A Saline District, Cherokee Nation.

Q Did you go out at the war? A Yes sir.

Q Where? A I was at the war.

Q When did you return? A I was discharged from the army at the end of the war.

Q Spring of '88 that is when I came back.

Q Where did you go when you came back? A I went to the old military post at the mouth of the river the first place.

Q Where did you go to work? A I had a farm there.

Q Well, when did you go to the farm? A I went to the farm in the spring of '88.

Q Well as I can see you go to the farm? A I went to the farm and in the spring of '88.

Q Where? A On the military post at the mouth of the river the first place.

Q Now how far from where the military post was? A About a half a mile.

Q Now you mentioned it in the first place is Saline District, Cherokee Nation? A Yes sir.

Q Did you know a colored man named Steven? A Yes sir.

Q Did you know his family? A Not just that time.

Q Did you ever meet him after the war? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q Where and when? A Spring of '88, February or March at the old Lynch farm.

Q Was he living there then? A He told me he had just moved in the day before. I rode up to the fence and he came out on the porch and I never got off my horse.

Q Where did he tell you he came from? A From Kansas, he said.

Q That was in the spring of '88? A Yes sir.

Q Was that the first time you saw him there? A Yes sir.

Q Did he have any family with him then? A I never saw any. I never got off my horse as I never had no business there, just rode up to the fence and talked with him.

Q Do you know this applicant here, Jesse Vinn? A I do now, but I didn't at that time.

Q Did you know at that time that he was Steve Lynch's step son? A No sir.

Q When did you learn that? A Afterwards.

Q How far is it from where you live to where Steve Lynch stopped that time? A Two and a half or three miles.

Q How far from the mouth of Cabin creek was that to where you lived?

A About two and a half miles.

Q You met him on the east side of Grand river did you? A Yes sir.

Q What place did you say it was? A The old Lynch place.

(By applicant or witness.)

Q In the first place I would like to know where was Steve Lynch living when you moved there and went to hauling that lumber for to build that house? A He was in Kansas I reckon, that is what he said.

~~Q That is what he said.~~ (This question cut out by request of applicant.)

Q Next question: When you met Steve Henry, did you know where he was living at that time? A He didn't have any place at that time.

Q I understand that you didn't have any business to get down off'n your horse so how could you know he had no place? A Well that was Lynch's house where I saw him.

Q I want to know if this Steve Henry told you what place he was living on at that time? A He never told me that. I told you that he said he had just moved in the day before.

Q You say you met him on the Lynch farm when he first came in? A I didn't meet him, I rode by there and stopped and he was there at the house.

Q Was he horseback or standing? A He was standing on his feet talking to me.

Q Where did you live at that time? A This side of the river.

Q In a house? A Yes sir.

Q How far from Grand river? A Two and a half miles.

Q You never knew this woman that they called Indian Peggie before the war did you? A Yes sir.

Q Who did she belong to before she belonged to Joe Lynch? A To a full blood Indian who lived on Rose Prairie named Wate Stopp.

Q Do you know when Lynch bought her? A Just before the war.

Q Then you moved the whole family all but the children? A I knowed Steve and Peggie.

Q When Peggie was sold did she have any children? A I don't remember how many children she had.

Q Don't remember? A (No response.)

Q How long did you know her before the war? A I knowed her about 2 or 3 years maybe longer.

Q You knew if it she belonged to some full blood before the war but didn't know his name? A I told you it was Wate Stopp.

Q How far did you live from him? A 3 or 4 miles.

Q How long did you know him? A I never went to his house except when he was preaching, he and my grandfather used to preach together and I went there then.

(By the Commission)

Q You knew Steve Lynch before the war? A Yes sir.

Q He was a slave? A Yes sir.

Q You didn't know Jess Vann, his step son? A No sir not until after the war.

Q All you know of Steve Lynch's returned to the Cherokee Nation is what he told you? A Yes sir.

Q All you know of where he lived before his return was what he told you? A Yes sir.

Q Peggie, Indian Peggie, was his wife? A Not sir.

Q Was she there when you saw him first? A I never saw her that morning, I saw her a few weeks afterwards.

(By Bed)

Q Where did Steve Henry settle after '68? A On the south side of Grand river, or east you might call it, below Island Ford two miles.

Q How far from the Lynch place where you first saw him? A Mile and a half.

(By the Commission)

Q Is this Steve Henry and Steve Lynch the same man? A Yes sir.

Q You have no doubt in your own mind as to this being in '68? A No sir

Q You went out yourself during the war? A Yes sir.

Q When did you return? A In '66.

Q And you are satisfied that it was two years after you returned that you saw him? A Yes sir.

GEORGE W. CLARK being first duly sworn by Hon'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Hastings)

Q What is your name? A George W. Clark.

Q What is your age? A 58.

Q Are you a citizen of the Cherokee Nation by blood? A Yes sir.

Q Did you live in the Cherokee Nation before the war? A Yes sir, all my life.

Q Were you in the Northern army during the war? A Yes sir.

Q Where did you locate just after the war? A On Lynches Prairie, Saline District, Cherokee Nation.

Q On Grand river? A Yes sir in the neighborhood where I am living now.

Q Did you know old man Joe Lynch before the war—father of Lon Lynch? A Yes sir.

Q Do you know this Lon Lynch who just testified in this case? A Yes sir

Q Did you know a slave that belonged to the family named Steve Lynch or Henry? A Yes sir, I knowed him before Lynch owned him, as Buffington.

Q Did you know his wife, Peggie? A I know her after the war.

Q Didn't know her before the war? A No sir.

Q Did you know their children? A Yes sir.

Q Name some of them. A I seed a couple of them—her children—my understanding was that they was her children—uncle Steve's step children, one was named Jess and one was named William.

Q What time did you come back here after the war? A As soon as I was mustered out I came back there and married and have been there ever since.

Q Come back when? A '65.

Q Who owned that place before the war the you went to when you returned? A Joe Lynch, during the war the Northern Indians sold the Southern

Indians places and my father in law bought it.

Q Where did you live in '65? A Right below my father in law, four miles below him.

Q Where did your father in law live in '65? A On the Joe Lynch place.

Q What was your father in law's name? A George W. Sargent.

Q He is dead now? A Yes sir.

Q When did you first see this Steve Lynch or Henry after the war? A '66

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Q Now on a visit down there in the fall of '90 and returned there with some other colored people and belonged to the Irish family, George and Simon.
A Yes his family there, George and Simon was on a visit by himself.
Q Did you see him? A Yes.
Q Where did he say he was born?
A There was his family there. He said in Kansas.
Q There was in '97 a very big
A What did you hear him say? A Yes sir.
Q Was his family there then? A Yes sir.
Q You know this family well do you? A Yes sir, they live close to me.
Q How far do they live from you? A At a mile, from where I lived.
Q Then you do they live from you?
A Yes and now there are a half mile away from the same place.
Q This is the same place? A Yes sir.
Q Some one that you had a talk with in the fall of '97 a Mr. Mr.
A Yes and he said that that was not of him but that was from
George and he was a blacksmith and had a shop up there and the
neighborhood blacksmithing. I was there there when I went to have some
blacksmithing done.
Q He never made a crop on the old red Lyon place in 1867? A No sir, my
father in law made a crop there that year.
Q By the way, Bell?
A No he made a crop on the Harrison place in '66. A No sir it was
a vacant place then, no one lived on it.
Q By application of James?
A How long before you saw there? A Yes sir you moved to the dirt road
place? A I moved to the dirt road place before '66.
Q When you didn't know where Henry Nelson was? A Yes sir he moved to the dirt road
place? A Yes sir I know him before the war.
Q By the Commission?
A Did you know them applicant men? A Yes sir I know him.
Q Was he up there at that time? A Yes sir that was the one last's boy,
my understanding is that those two boys is only the children of old
Uncle Steve.
Q Did you know these two boys before the war? A No sir.
Q Is there any more there into the country and looked a place before that
you said they? A No sir.
Q The place where you put him was in '97? A Yes sir after the war.
Q He had been a slave? A Yes sir he belonged to the master before he
came to London.

came on a visit down there in the fall of '67 and stopped there with some other colored people that belonged to the Lynch family, George and Simon.

Q Was his family there? A No sir he was on a visit by himself.

Q Did you see him? A Yes sir.

Q Where did he say he was from? A Kansas.

Q Where was his family then? A He said in Kansas.

Q What was in '67? A Yes sir.

Q When did you next see him? A Fall of '68.

Q Was his family there then? A Yes sir.

Q You know this family well do you? A Yes sir, they live close to me.

Q How far do they live from you? A 3 or 4 miles, from where I lived then and now there and a half miles according to the measure line.

Q This is the same place? A Yes sir the same one.

Q Same one that you had a talk with in the fall of '67? A Yes sir.

There was a colored man that used to belong to Uncle Joe that was named George and he was a blacksmith and had a shop up there and did the neighborhood blacksmithing. I saw George there when I went to have some blacksmithing done.

Q He never made a crop on the old Joe Lynch place in 1867? A No sir, my father in law made a crop there that year.

(By L. B. Bell)

Q Did he make a crop on the Harrison place in '66? A No sir it was a vacant place then, no one lived on it.

(By applicant of witness)

Q How long before you saw Steve Henry before you moved to the Dirsteater place? A I moved to the Dirsteater place before '66.

Q When you didn't know Steve Henry before you moved to the Dirsteater place? A Yes sir I knew him before the war.

(By the Commission)

Q Did you know this applicant here? A Yes sir I know him.

Q Was he up there at that time? A Yes sir that was the old lady's boys, my understanding is that those two boys is only step children of old Uncle Steve.

Q Did you know these two boys before the war? A No sir.

Q If Steve came there into the country and located a place before that you don't know it? A No sir.

Q The first time you saw him was in '67? A Yes sir after the war.

Q He had been a slave? A Yes sir belonged to Harrison before he belonged to Lynch.

This will be filed in the following Sherwood Freedmen Hospital cases:
D-254; D-318; D-120; D-451; D-535 and D-189.

Chas. von Fosse, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me on the 12th of October, 1901.

Chas. von Fosse
[Signature]

Commissioner

File with Cherokee Freedmen B-451, Mollie Townsend.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I. T., October 31, 1901.

In the matter of the application of Jesse Vann et al, for
enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicants:

Recommender:

Mr. T. Brown, Agent for applicants;
J. S. Davernport, of Council for Cherokee Nation.

Allen Lynch, being duly sworn and examined by Commissioner
Breckenridge, testified as follows:

Q Give me your name? A Allen Lynch.

Q How old are you? A 41 years old.

Q What is your postoffice? A Winita.

Q How long have you lived in the Cherokee Nation? A Well, I have
lived here all my life pretty near.

Q Mr. T. Brown, are you a recognized citizen of the Cherokee Nation?

A Yes, sir.

Q Does your name appear upon the authenticated roll of 1890?

A Yes, sir.

Q Do you know the applicant, Jesse Vann? A Yes, sir, I know him.

Q Has he any brothers or sisters? A Yes, sir.

Q Name them please? A Well there is Bill Vann and Dan Henry.

Q Is he known by any other name than Henry? A Well they call him
Dan Lynch, or Dan Steve, he is a son of Stephen Lynch.

Q What was Jesse Vann's father's name? A Bill Vann.

Q Jesse Vann's father's name was Bill Vann? A Yes, sir.

Q What was Dan Lynch's father's name? A Steve Lynch.

Q What relation is Dan Lynch to Jesse Vann? A Half brothers.

Q Jesse Vann and Dan Lynch had the same mother? A Same mother.

Q What was her name? A Peggy Lynch.

Q At the close of the war, with whom was Steve Lynch living? A At
the close of the war Steve Lynch was in Kansas.

Q With whom was he living as his wife? A Peggy Lynch, that is
the mother of Bill and Jesse.

Q Is she also the mother of Dan? A Yes, sir.

Q Do you know when Steve Lynch returned to the Cherokee Nation
after the close of the Civil War? A Yes, I know the first time he
came down.

Q Please state when? A Well he came down in the fall of '65, I
can't tell just exactly what time.

Q He went ahead Mr. Lynch and relate the circumstance of his coming?

A Well he came down here and some other men and stayed down here
a week or ten days resting up their horses, and then went back to
Kansas; first they went and improved their claim and afterwards some-
body took it away from him when he came back, but they went with him
Christmas and helped them move down, but what time they got down here
I can't tell.

Q What day is that you came off? A One day Lynch.

Q This you say was in the fall or winter of '65? A Just in the
fall before it got cold weather.

Q Now after he went back to Kansas during that year, did he ever
return? A That I don't know, I don't know when he got back.

Q Did he return? A Yes, sir, he got back.

Q After his return the second time did he continue to live in the
Cherokee Nation until his death? A Yes, sir.

Q Mr. Davernport: Is Crap Lynch sometimes known as Anderson Lynch?

A Yes, sir.

Q When did Anderson Lynch come back to the Cherokee Nation? A Anderson
Lynch came back in '65 if I recollect just right.

Q Well when this happened, Jesse Vann, came back, there were you
living? A Steve Lynch, I recollect that.

Q Well, where was this applicant at that time? A He was back in Kansas with his mother, the children was back in Kansas when the old man came.

Q Well, where was Jess? A He was living with the old man, his stepfather. Steve Lynch was his stepfather.

Q Well, where was you sitting when this applicant in this case came to the Cherokee Nation? A Jess: I was living out there about ten miles, about that. I don't know when they did come down here, I can't tell you just when Jess did come. I know when the old man came.

Q When did the old man come? A He came along in the fall, before Christmas, and him and Crap went back to move down. I don't know just when he got back.

Q He came back down here with his family sometime after George Clark moved out there near you and George Clark lived up there? A Maybe he did, but I don't know.

Q Don't you know when George Clark moved there? A No, sir, I went away, I wasn't there when he came.

Q Well, Watt West was living there when he came? A No, sir, not there on the river.

Q Was either Watt West or George Clark living there when you went away? A George Clark moved out the time I went away.

Q Had he moved out there before this man and his family moved down? A Before Crap went after him, no, sir.

Q But you don't know anything about when any of these applicants came, you know the father came here sometime after the war? A I saw him here and I saw him and Crap when he started back to Kansas.

Q Is Crap has testified George Clark and Watt West were both living out there when they came down, is that true or not? A I don't know, I wasn't living in the neighborhood.

Q You don't know when the applicant moved down? A No, sir, not when they moved down.

By L. P. Brown: I believe you have already stated that when Steve Lynch returned to the Cherokee Nation in the year 1866, that he made him a claim here? A Yes, I say he made him a claim.

Mr. Davenport: Where was that claim? A It was on the prairie the other side of Lynch's old place and old man Houston Bengé took it away from him when he came down. Anderson Bengé.

By L. B. Bell, Cherokee counsel: Where was you in October, 1866? A I was down there on that Dirtwater place.

Q What time did you move onto it? A Well I don't know exactly, didn't exactly move on there at all, I was just living. I had no family, I stayed at McCrary's and Simon's sometimes and at Lewis' and Simon's and sometimes at Crap's. I had nothing to move.

Q Well, you stayed around there at Crap's you say? A I was around to Crap's, yes, sir.

Q You had no particular location? A No, sir.

Q What time did you finally locate? A It was in '67 I believe it was.

Q Where did you settle then? A Settled right down there, that is I stopped down there at Andy Frye's family right below the Doctor Thompson place, that is I stopped with him but I worked for Johnson Thompson.

Q That was in '67? A That was in '67.

Q You married along about that time, that year? A Yes, sir, I believe so.

Q Now where were you living in August, 1866? A If I don't mistake, I was living right there at the mouth of Mustang Creek close to what was called the Arch place, I was right there, there is where I was in August.

Q Well, you were living with somebody then, stopping with somebody?

A Yes, sir.

Q Well, where were you living the early part of '66 around in there, in May and June? A I was living right down here at the mouth of this creek at the old Archer place. I made a crop there.

WILLARD FILMORE HICKS, being duly sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give me your name? A Willard Filmore Hicks.

Q What is your age? A About 52.

Q You have been giving your name heretofore as Filmore Hicks? A No, sir, as Willard Filmore.

BY L. T. Brown: Mr. Hicks, do you know Stephen Henry Lynch, did you during his life time? A Yes, sir.

Q When did you see him for the first time after the close of the civil war, in the Cherokee Nation? A My best recollection, it was sometime in the fall of '68.

Q Did he continue to live in the Cherokee Nation from that time until his death? A Well, I can't say right from that time that he did.

Q Well, did he make that his home? A He made it his home.

Q Are you a recognized citizen of the Cherokee Nation? A Claim to be.

Q By blood? A Yes, sir. 3

Q Your name is on the roll of 1860? A Yes, sir.

Mr. Davenport: You are sometimes called Cap Hicks? A Yes, sir.

Q Now are you the same Cap Hicks that you and a man called Anderson got that male for murdering for that party; didn't you and Andy Frye get a male for swearing for that fellow? A I and Andy Frye did.

Q Who did you swear for? A For a man.

Mr. Bell: Do you know where he came from in Kansas or where he went to? A No, sir, I don't.

Commissioner: Copies of this testimony will be filed in Cherokee Pre-Grand doubtful cases D-254, D-651, D-190, D-316, and D-309.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 14th of November, 1901.

Mad Green
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 10, 1908.

In the matter of the application of Jesse Vann and others for enrollment as Cherokee Freedmen.

Applicant represented by Lewis T. Brown, Vinita, I. T.
Cherokee Nation represented by James S. Davenport.

JOSEPHINE HUMISTON, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Josephine Humiston.

Q Where do you live, Mrs. Humiston? A I live in Linn County, Kansas.

Q How long have you lived in Linn County, Kansas? A I have lived there the greater part of the time since '57. I have been out of the county a few times on visits, and was away some eight or ten months at a time, but that's been my home ever since '57.

Q Since you lived in that county did you get acquainted with a colored man by the name of Stephen Lynch? A Yes, sir.

Q When did you first get acquainted with him? A I must have seen him first in the fall of '58 or winter. I won't be certain whether it was in the winter or fall, but I think it was in the fall.

Q Do you know whether or not he had a family? A Yes, sir, he had a wife and some children.

Q What was his wife's name, if you know? A Peggie.

Q Do you remember the names of any of his children? A The older boy they called Jesse, and Will, and Viney the oldest girl, and I am not positive which of the others was the older, Julia Ann, and one called Judie, I think Julia Ann is probably the oldest one. Those children he brought there to the place when he came.

Q Well, now, on whose place did I understand you to say they lived; after you got acquainted with them whose farm did they live on? A They lived on my husband's place, William B. Emerson, that's my first husband.

Q You say that the children you have named they were in the family when they moved on the place? A When they moved on the place he brought those four children with them.

Q While they were living on your place were there any children born to the family? A Three others.

Q What were their names? A Judie was one, and Nettie and Sarah, but Sarah died when she was small, Sarah died when she was probably about two months old.

Q Well, about how long did they live on your place or about what year did they leave or move away from the place? A They moved in the fall of '57.

Q Your husband was a man or business conducting affairs, and kept accounts with the different parties that was on the farm? A He was always particular in keeping his accounts. He was the surveyor of Linn County, and had a great deal of business, and it became necessary for him to keep them in good order.

Q Do you know whether or not during the year '57 he kept an account between himself and Stephen Lynch, a book account? A Yes, sir.

Q Do you know where that book is now? A I have had it in my possession all these years.

Q Is that husband living or dead? A Dead; he died in '60 I think.

Q Would you recognize his handwriting if you should see it? A Yes, sir, I would.

Q I wish you would examine the book that I hand you and see whether

or not the account on page 17 of that book is in the handwriting of your deceased husband, Mr. Emerson? A Yes, sir, that's his handwriting; I will swear to it.

Q As I understand, you have had this book in your possession since the death of your husband? A Yes, sir.

Q You knew Stephen Lynch's family quite well because they lived on the farm there for several years? A Lived on the farm, they raised five crops on the farm.

Q You don't know where those older children were born that you speak of? A No, I don't.

Q Do you know whether or not Stephen's children, the older ones that you named, are children by another husband of Peggles? A I think they were children by another husband.

Q You don't know that or anything about it? A Only as I have heard them say so. I have heard Peggles speak of it frequently, that those older children were not Steve's.

Q I want to introduce the entries on page 17 that have been identified by the witness as being in the handwriting of her deceased husband, which book she states has been in her possession continuously since the death of her husband:

Stephen Lynch,		Dr.		A. D. 1867.		Emerson.		A. D. 1867.		Cr.	
July 6th,	By labor five days,		13		5	50					
" 13th,	By three days labor,		14		3	00					
" 20,	By four days labor fall. 90		"		4	90					
" 23,	By four days labor heading corn				1	00					
" 26th,	By one-half days labor by S.J.		15			50					
" 28th,	By one-half days labor by S.A.J.					75					
" 30th,	2 3/4 gallons					75					
August 5th,	To cash		16		23	90					
						23 90					
August 3d,	By cellar ditch,		16		8	00					
	Labor by Peggles				23	90					
August 15th,	To cash		17		10	00					
Sept. 20,	To threshing wheat		21		1	10					
October 8,	To cash		23		6	50					
" 14,	By cash		"		3	50					
" 21st	By cash		"		55	10					
August 15th,	By 10 days work		17		10	00					
August 18th,	By one days work		16th		1	00					
Sept. 3d,	By hauling wood		18			50					
" 30th,	2 75 acres corn		21		50	70					
" "	By fodder				19	40					

MR. BROWN: Mrs. Summison, at the top of this page referred to I see there has been some name there written before the word Stephen was written; can you tell me what that word was? A No.

Q Don't know what name was there before the word Stephen was wrote over it, do you? A No, sir, I don't; I didn't know that there was any such words there; of course a person might make a mistake in writing.

Q Now how long did this man Stephen Lynch rent a place from your husband? A He raised five crops.

Q Raised five crops? A Yes, sir.

Q When did he raise the first crop? A In the year '66.

Q Well, where was he Christian? A He wasn't on the place; don't know where they was; he was there all through those years.

Q Where was he Christian? A He was on the place or at least his family was.

Q And during the month of December, '86, where was he? A If he was off of the place I didn't know it; I don't know where he was, he was on there I think.

Q It was possible for him to have gone away from that place and stayed as much as ten days and you not know it? A He might have done it.

Q He could have done it without you knowing it; you didn't have no occasion to know when he went and where he went, did you? A No, sir, not at all times.

Q Now then, if this applicant claims to have come to the Cherokee Nation in the month of December, '86, and stayed three or four or five days, are you prepared to say that he didn't come? A Not to my knowledge he didn't.

Q But you wouldn't swear positively that he wasn't here three or four days in the month of December, '86, would you? A I have no knowledge of it whatever.

Q Well, I say you wouldn't swear positively that he wasn't here three or four days during that month in that year? A Well, I think I could certainly say no, he wasn't.

Q Well, were you away from the farm any time during the years from '83 to '87? A Not any length of time.

Q For how long a time would you be away? A Not more than two days at a time.

Q Not more than two days? A No, sir.

Q Well, now you spoke of being away eight or ten months, was that during that time or since then? A Years and years since, probably fifteen years ago; not while they were there though.

Q There were a great many colored people in that neighborhood at that time that come from the Territory, were there not? A Well, I didn't know where they come from. There were quite a number come to visit Steve while he was on my place.

Q Well, now, Mrs. Humiston, do you know any colored family that left there in the fall of '86? A I do not.

Q You wouldn't have remembered anything about Stephen Lynch being there during the year '87 if it hadn't been from the fact that you have this book, would you? A Certainly I would; I remember well when he left if I hadn't seen that book.

Q How many years ago has that been? A It was the year of '87 I guess.

Q It's been about thirty-five years ago, has it not? A Yes, sir, I should say it has.

Q Is there anything to impress the leaving of this man upon your mind or your memory? A Yes, sir, we saw him leave the place.

Q Well, you have seen other people leave, haven't you? A Yes, sir.

Q Do you remember the month and the year they left thirty-five or six years ago? A Well, I didn't remember the month to be sure, but I know it was after the crop was laid by and gathered and everything.

Q Well, now, during the winter months there wasn't much to do on the farm was there? A My husband always hired his work done; he was away from home and always hired his work done, hired Steve to attend to everything on the place.

Q Well now did your husband hire Steve Lynch during the year '86? A Yes, sir.

Q Does this book show any record that he was hired? A No, not that book.

Q Have you any book that does? A I had a diary, but I didn't bring it.

Q Did you look in that diary before you left home to see whether or not that it showed that he worked during that year? A No, sir.

Q And notwithstanding the fact that this man worked for your husband five years this is the only account that he kept as far as you know as to what work was done by him on that place? A Well, I think that he didn't keep his books in that form; he had it mixed up with

diaries before that. You see that this began about that time I think.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-261, D-190, D-516, D-509, D-488, and in the case at bar, No. D-454.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 24th day of April, 1902.

J. R. Renter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D. C., May 31, 1908.

In the matter of the application of JOHN ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by McIlwain & Smith, Cherokee Nation, by
W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Hosea Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17202 filed in the Harish Hayden case T. B. 426, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Harish Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Case No. 17202,

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1856, or that he had been a continuous resident
of the Cherokee Nation since that time, or that he is a descendant
of such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be
sustained and the decree of the Court of Claims filed in the case
of Harish Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Hall of the United States Court, of the Northern District,
Indian Territory.

By Mr. Smith:

The applicant further moves that as to the above named
cases including the Harish Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the record other than the decree already referred to.

in the case of *W. Moser Whitmore, trustee, vs Cherokee Nation*, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

F. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 20, 1902.

P. G. Reuter
Notary Public.

To be filed in the case of
Mollie Townsend, C.F.D. 651.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Jesse Vann, et al., as Cherokee Freed men, consolidating the
applications of:

Jesse Vann et al.,	Cherokee Freedmen D 254,
William Vann, et al.	" " " D 309,
Nettie Eaton,	" " " D 190,
Daniel Lynch, et al.,	" " " D 316.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: By Jesse Vann for himself and his minor children, Frank, Riley and Levat Vann; by William Vann for himself, his wife, Hannah Vann, and his minor child, Annie Vann; by Tom Eaton for his wife, Nettie Eaton, among others, the other parties to this application, being differently classified, are not embraced in this decision; and by Daniel Lynch for himself, his wife, Mary Lynch, and his minor children, Arthur and Lucine Lynch.

The evidence shows that William Vann, Hannah Vann and Jesse Vann were the slaves of Cherokee citizens at the commencement of the rebellion; and that they were taken out of the Cherokee Nation during the rebellion. It further shows that neither William Vann, Jesse Vann, nor their parents, Steve Lynch or Peggie Lynch, returned to said Nation until after January 19, 1867.

The evidence further shows that Nettie Eaton, Daniel Lynch and their children, above named, were all born since the commencement of the rebellion, and are descendants of the said Steve Lynch and Peggie Lynch, and have no rights as Cherokee Freedmen, except such as they may have derived through them; that Mary Riley was born since 1866, and is the daughter of one, Nancy Ross, through whom she claims the right to enrollment as a Cherokee Freedman; that Nancy Ross was the slave of a Cherokee citizen at the commencement of the rebellion and was taken out of the Cherokee Nation during the rebellion, but did not return thereto until after January 19, 1867.

It does not appear that the names of any of the applicants herein are found on the 1880 authenticated Cherokee roll.

The evidence further shows that the said Hannah Vann returned to the Cherokee Nation prior to January 19, 1867, and that she has resided therein from that time up to and including the date of her application herein. The said Annie Vann, who was born since 1866, is the daughter of Hannah Vann, and being a minor is considered to have resided since her birth with her mother.

It is, therefore, the opinion of this Commission that Hannah Vann and her minor child, Annie Vann, should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1906 (34 Stat., 498), and that the applications for the enrollment of Jesse Vann, Frank Vann, Wiley Vann, Lewis Vann, William Vann, Nettie Eaton, Daniel Lynch, Mary Lynch, Arthur Lynch and Twins Lynch as Cherokee Freedmen should be denied, under the provisions of said section twenty-one, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Signed

James B. Dixey
Chairman

T. B. Needles
Commissioner

C. R. Breckinridge
Commissioner

W. E. Stanley
Commissioner

Dated at Muskogee, Indian Territory,

June 10, 1908

To be filed in the case of *Mullin, Townsend et al.*, C. J. S. 657.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Emma Purtle and others as Cherokee Freedmen, consolidating
the applications of

Emma Purtle,	Cherokee Freedmen D-265
Ellen Bean,	" " D-595
Walter Vann, et al.,	" " D-596

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Emma Purtle for herself; by Ellen Bean for herself, and by Walter Vann for himself and his minor child, Waneta Vann, among others. His wife, Elnora Vann, was also included in the application, but she is differently classified and is not embraced in this decision. Copies of the testimony taken at various times in the matter of the application of Moses Riley, et al., are made a part of the record in this case.

The evidence herein shows that the applicant, Emma Purtle, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and returned thereto with her brother, Moses Riley, and others, some time after February 11, 1867.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of, and claim right to enrollment through, Jesse Vann and Emma Purtle; and that none of the names of the applicants herein are found on the 1880 authenticated Cherokee roll. (See decisions of the Commission denying the applications of Moses Riley, et al., Cherokee Freedmen D-258 and Jesse Vann, et al., Cherokee Freedmen D-254)

It is, therefore, the opinion of this Commission that the applications for the enrollment of Emma Purtle, Ellen Bean, Walter Vann and Waneta Vann should be denied under the provisions of section twenty-one of the act of Congress, approved June 28, 1892 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed)

Tams Bixby
Chairman

(Signed)

T. B. Needles
Commissioner

(Signed)

C. R. Breckinridge
Commissioner

Muskogee, Indian Territory,
this Jul 23 1904

Commissioner

(C O P Y)

D. C. 15476-1904
I.T.D. 2412-1904

J.P.
F.H.B.
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

May 11, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.
Gentlemen:

March 17, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the applications for the enrollment as Cherokee freedmen of Jesse, Frank, Riley, Lovat, William, Hannah and Annie Vann; of Tom Eaton and Nettie Eaton, and of Daniel, Mary, Arthur and Lucine Lynch, and recommended that your decision of July 10, 1903, in favor of Hannah and Annie Vann, and adverse to all the other applicants except Tom Eaton, who is otherwise classified by you, and in regard to whom no decision was rendered, be affirmed.

The Department finds no reason to disturb your decision and it is hereby concurred in.

As William Vann and Nettie Eaton are married to recognized Cherokee freedmen, you will proceed to determine their rights, if any, as intermarried Cherokees. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary

1 inclosure.

(COPY)

Y.P.
F.N.H.

DEPARTMENT OF THE INTERIOR,

P.O. 43621-1904
I.T.D. 8694-1904

WASHINGTON.

November 12, 1904

Commission to the Five Civilized Tribes
Muskogee, Indian Territory.

Gentlemen:

July 28, 1904, you transmitted the record in the matter of the application of Emma Purtle, et al., for enrollment as Cherokee freedmen (D-305, D-595, D-596), including your decision of July 23, 1904, rejecting the applicants, Emma Purtle, Ellen Bean, Walter and Vaneta Vann.

Reporting in the matter September 28, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

If the name of Josie Beans husband of Ellen Bean, is on the 1880 roll as she asserts, her rights, in any, as a Cherokee freedman by intermarriage, should be passed upon.

Respectfully,

1 inclosure

(Signed)

V.L. Campbell
Acting Secretary

Cher Fr D 652

Cher Fr D 652

To be filed in case of Bettie McCormick, et al., CFD-652.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 7, 1901.

In the matter of the application of Sarah London for the enrollment of herself and two children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

- Q Give me your name? A Sarah London.
Q How old are you? A I don't know sir.
Q Are you a hundred years old? A I expect so, I don't know.
Q You are hardly a hundred years old? A I am pretty old Misters.
Com'r: Well we will put her down 65.
Applicant: Well, put it down as near as you can come at it.
Q What is your post-office? A Muskogee.
Q Do you live in the Cherokee Nation, or are you living at Muskogee? A I am living at Muskogee now.
Q What district in the Cherokee Nation do you claim as your home? A gooshoosooos.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir, six children.
Q Are these six children all under 21 years of age? A I couldn't tell you exactly, there's one of the boys can tell you the ages of them.

MINOR LONDON, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Minor London.
Q Are you a son of this woman here? A Yes sir.
Q How many children has your mother? A She has got 10 altogether.
Q How many of them are under 21 years of age? A Two.
Q Are these two unmarried? A Yes sir.
APPLICANT RE-CALLED:
Q How long have you lived in the Cherokee nation? A Been living there all my life.
Q You ever been out at all? A Yes sir.
Q You out during the war? A Yes sir, I was sent out before the war, down south.
Q Down to Texas? A Yes sir.
Q Did they bring you back after the war? A I came back as near as I can recollect just after this here treaty, I just heard them talking about the treaty, that's all I know about it.
Q You think you came back in the year '66 then? A Yes sir.
Q Where you a slave in the Cherokee nation when the war broke out? A Yes sir.
Q Who was it you belonged to? A I belonged to Lewis Rogers.
Q Was he a well known citizen of the Cherokee Nation? A Yes sir, he ought to be, he has been here long enough.
Q Give me the name of your father? A My father was named Sophis and Peter.
Q Your father wasn't named Sophis was he? A That was my mother.
Q Your father was what I asked you about? A Peter Rogers.
Q Is your father dead? A I don't know sir, they sold them to Mr. Bell.
Q Why before the war? A Yes sir.
Q Give me the name of your mother? A Sophis Rogers.
Q Did she belong to Lewis Rogers? A Yes sir.
Q Is she dead? A I don't know sir.
Q What became of her? A She was sold to Mr. Bell too.
Q Sold in Texas or where? A Sold out on Reatty's Prairie.
Q Was she sold so as to go out of the Cherokee Nation? A No sir, she didn't go out of the Cherokee nation then, she was sold to a citizen.

Sarah London et al 2

- Q Was Mr. Bell a Cherokee citizen? A Yes sir, Mr. Bell was a Cherokee citizen; I see his son here.
- Q Were you sold to Mr. Bell too? A No sir.
- Q They kept you? A Yes sir.
- Q You stayed with Lewis Rogers? A Yes sir.
- Q How many times have you been married? A Once.
- Q When were you married? A I couldn't tell you.
- Q Did you marry before the war? A No sir, since the war.
- Q Pretty soon after the war? A Yes sir.
- Q What was the name of your husband? A Ed London.
- Q Is he dead? A No sir, he is living.
- Q He is a state man? A No sir, he is a Creek.
- Q Is he enrolled as a Creek? A Yes sir.
- Q Did you ever apply to enroll as a Creek? A Yes sir.
- Q They didn't enroll you? A Oh, you say did I apply?
- Q Yes? A No sir.
- Q Did you ever apply to be enrolled in any other nation except the Cherokee? A No sir.
- Q You and Ed London still living together? A Yes sir.
- Q How long have you been living in Muskogee? A Right smart while, I couldn't tell you exactly how long, I stayed out in Brushy Mountain a long time.
- Q Did your husband ever live with you in the Cherokee Nation? A Yes sir, we lived in Brushy Mountain a long time.
- Q Have you got any home in the Cherokee Nation? A No sir, just working around there in Muskogee.
- Q What are the names of your two youngest children? A Levi and Ham.
- Q How old is Levi? A I couldn't tell you.

Witness, MINOR LONDON, recalled and further examined, by Commissioner Breckinridge:

- Q How old is your brother, Levi? A 17.
- Q What is the name of the next child to Levi? A Ham.
- Q How old is Ham? A 14.
- Q Ham is the youngest of the children? A Yes sir.
- Q There are no others that are 21, all the others are over 21? A Yes sir.
- Q Are these two children both living now? A Yes sir.
- Q Where are they living, in Muskogee with their mother? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

1890 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Kerner-Elftan pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:

page 129, #3208 Sarah Rogers, Cooweescoowee district;

page 129 #3210 Levi Rogers, Cooweescoowee district;

page 129 #3211 Ham Rogers, Cooweescoowee district.

THE REMAINDER OF TESTIMONY IN THIS CASE IS CONTINUED BY STENOGRAPHER CHAMBERS VORWERK.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly and accurately recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes in this case.

Subscribed and sworn to before me this June 11, 1901.

(signed) M.D. Green,
(signed) T.B. Needles,
Commissioner.

Sarah London 3.

Continuation from Stenographer M.D. Green.
At Chelsea, I.T., June 7th, 1901.

BEN GRIMMETT, being sworn as a witness by Com'r C.R. Breckinridge testified as follows for the applicants:

By Commission:

Q What is your name? A Ben Grinnett.
Q How old are you? A About 65 I guess, may be older.
Q What is your past office? A Nowata.
Q Do you live in the Cherokee Nation? A Yes sir.
Q How long have you lived here? A Raised here.
Q Were you out of the Cherokee Nation during the Civil war? A Yes sir.
Q Where to? A Kansas.
Q Do you know the applicant here? A Yes sir.
Q What is her name? A Sarah.
Q Susan what? A Rogers.
Q She is married now isn't she? A I don't know nothing about her marriage. I don't live by her.
Q Did you know her before the war? A Yes sir.
Q Was she a slave? A Yes sir belonged to Lewis Rogers.
Q Was he a Cherokee citizen? A Yes sir.
Q Was she living in the Cherokee Nation when the war broke out?
A Yes sir.
Q When did you come back from Kansas? A In '66.
Q Did you know her at that time? A Yes sir.
Q Did you know this woman in slavery days? A Yes sir, I used to see her.
Q Did she live in your neighborhood? A No sir she lived about, to my knowledge about 12 miles from me.
Q When did you first see her when the war closed? A First at Fort Gibson.
Q How long after you got back here? A I just had got back, about three weeks after I came back.
Q Are you on the roll of 1880? A Yes sir.
Q That was before her marriage? A Yes sir, she wasn't married when I used to see her.

By Mr. Davenport, for the Cherokee Nation:

Q Did you ever live in Tahlequah district? A Yes sir.
Q Was you ever up there before the court for anything? A Not as I know of.
Q Don't you know you was before the court for stealing and convicted and whipped publicly at Tahlequah? A Not as I know of.
Q Was you or was you not convicted and publicly whipped by the Sheriff of Tahlequah district for stealing? A I won't answer nothing that wasn't done lawfully. I won't answer nothing that was just done to keep my vote out, anything that was done lawfully I will answer.

By the Commission:

Q You don't want to give in testimony to your own hurt, is that it?
A It would not hurt me, no sir, if it was lawful I would answer it.

By Mr. Davenport, except to the Commission's ruling in this,

By Mr. Davenport of the witness:

Q When did you leave the Cherokee Nation to go to Kansas? A Right at the
Q Do you know where this woman was living at the breaking out of the war? A Yes sir.
Q Where was she living? A She was living—I think in Georgia.
Q Do you know? A Yes sir she was living there.

Sarah London 4

Q In Going snake? A Yes sir.

Q Was she a slave of Lewis T. Ridge at the breaking out of the war? A Yes sir.

Q Where was Lewis T. Ridge living at the breaking out of the war? A I dont know.

Q I will ask you if you dont know that he was a citizen of the state of Arkansas at the breaking out of the war and not living in the Cherokee Nation at all then? A I dont know as he was living there.

Q Was or wasn't he not a citizen of the state of Arkansas and residing there then? A I cant tell you that.

Q You hadn't seen him for some years in the Cherokee Nation before the war broke out had you? A I hadn't seen him just before the war.

Q How long before the war broke out that you saw Lewis T. Ridge in the Cherokee Nation? A About 20 years.

Q Then you have no idea whatever as to where this woman was living and where Lewis T. Ridge was living when the war broke out? A I used to see this woman.

Q But that was some years before the war broke out? A Not right in the neighborhood where I was living, but I seen her.

Q You know as a matter of fact dont you, that Lewis T. Ridge and his family did not live in the Cherokee Nation for a long time prior to the breaking out of the war, and that the Lewis T. Ridge family are not recognized citizens of the Cherokee Nation to-day? A No sir, I dont.

Q Did Lewis T. Ridge have any children? A Yes sir, if I am not mistaken, I was never to his house, just seed the colored people that he owned.

Q Where did you see the colored people that he owned if you were never at his house? A (No response)

Q Give me the name of one of Lewis T. Ridge's children? A I cant give the names.

Q Did he have a boy named William Cornelius? A Yes sir, I guess it was.

Q You know he had one son? A Yes sir.

Q Do you know where William Cornelius is living now? A I dont know.

Q You claim to have seen this woman where after the war? A At Gibson.

Q How old was she? A I dont know.

Q Was she a child then? A No sir a woman.

Q Grown woman? A Yes sir.

Q How long did you stay with her when you were at Fort Gibson? A I didnt stay with her.

Q You were living in Tahb quah district before the war weren't you? A No sir in Flint.

Q Who was she living with when you saw her at Fort Gibson right after the war? A There was three women staying there together.

Q What was her name then? A Sarah.

Q Sarah what? A Rogers.

Q Did she say then if she had left the Cherokee Nation during the war? A No sir I never asked her.

Q You didnt ask her where she had been living after the war broke out? A No sir.

Q That was just after war times and you colored folks were all coming back and meeting one another again, and yet you say you didnt ask her where she had been all through the war? A I was not there meeting people, I was selling and trafficking.

Q You dont know if this was '66 or '68 that you saw this woman in Fort Gibson do you? A I hadn't been there long.

Q Well you dont know when it was that you got back yourself do you? A Yes sir.

Q When was it? A In '66, in the spring.

Q How do you know it was? A I was told it was.

Q Was it before or after the treaty? A It was inside of the treaty.

Q Did you come back before or after the treaty was made? A Yes sir I guess I did.

Sarah London 5

Q Well which was it? A I don't know nothing about the days of the months.

Q But you would know if it was before or after the treaty was made had you heard of the treaty having been made when you returned?

A Never heard nothing about it then.

Q Did you come back in the fall or in the spring of the year?

A In the spring of '66 I tell you.

Q When you got back to Fort Gibson, did they tell you about the treaty? A No sir.

Q What made you come back then? A I was born and raised here and wanted to get back to my old home, I loved my home and wanted to get back to it, didn't know no other place but this as my home.

Q Was the war over? A Not quite done yet cause there was still soldiers here.

Q The troops were still here were they? A Yes sir.

Q Do you know what year this is? A No sir I don't.

Q Don't know anything except '66 do you? A Yes sir, but I don't know anything about your high language.

DAVID MARTIN, called and sworn as a witness, testified as follows on the part of the applicant; Examined by the Commission:

Q What is your name? A, David Martin.

Q What is your age? A 64.

Q What is your post office address? A Coffeyville.

Q How long have you lived in the Cherokee Nation? A All my life only when I was out during the war.

Q Are you on the roll of 1880? A No sir.

By Mr. Davenport:

Q What do you know about this woman? A I knowed her owners.

Q How long before the war? A All my life.

Q Where were they living before the war? A On Sallisaw.

Q Who were her owners? A Lewis Ridge.

Q Did he have a "T" in his name? A No sir, that was his son.

Q Sometimes called "O'Sage Tom"? A Yes sir.

Q He had a son called Cornell? A No sir, he had, John, Ham, Pole and Tom. Tom was the eldest, John next, Pole next, and Ham was the youngest.

Q Do you know where this woman was during the war? A No sir.

Q How long before the war did you see her? A In '59.

Q Where was you living then? A With Joe Martin, right adjoining places, he had her young Misans for a wife, we was together all the time.

Q Do you know where the Ridge went? A No sir.

Q Are you able to state if they left the Territory? A No sir I can't.

Q Where did you see this woman after the war closed? A Never saw her again until I saw her at the Wallace court.

By Commission:

Q You say that you lived on adjoining places to where this woman lived? A Yes sir, and some of the time on the same place.

Q Where did you go to during the war? A Kansas.

Q When did you go to Kansas? A I went to Kansas in '61.

Q What time in '61? A I left in February of '61-I was in the woods scouting since '59.

Q How does it happen that you did not see this woman from '59, until the Wallace court, and that you did not know where she went during the war if you lived on adjoining places to her? A Well you see I was not at home from '59, I was in the woods scouting, from what I learned they take this woman south during the war and I went north.

Q Why didn't you see her from '59 until '61 when you went to Kansas? A I was not at home, I was in the woods scouting all the time.

Sarah London 6

Applicant recalled and examined by the Commission:

Q Who did you come back to the Cherokee Nation with? A With a whole

passel of folks.

Q Do you know if any of them are alive yet? those with whom you returned to the Cherokee Nation? A No sir it has been so long since then that I dont know if any of them is alive yet or not.

Q Were you taken out in to the state of Texas? A No sir, Arkansas.

Q Where in Arkansas? A A place called Fulton.

Q What did you do down there--make crops? A No sir, I was cooking.

Q When did you first go to Fulton? A Just a little before the war.

Q About how long before the war? A I cant tell exactly how long.

Q Were you cooking in a private family there? A Yes sir.

Q Whose family? A Mr. Crabtree's.

Q Were you hired to him? A Yessir.

Q Who went with you to Fulton? A A whole routine went-- they carried us.

Q Did you stay there about Fulton until you came back to the Cherokee nation after the war? A Yes sir.

Q Where was your master, Lewis Ridge at that time? A He was dead before the war.

Q Who claimed you as an owner? A Mrs. Ellen Ridge.

Q Where was she when you were at Fulton? A She was here in the Nation.

Q Did she have many slaves? A Yes sir a good many, she had my sister.

Q Who had charge of you when you went to Fulton? A I dont remember his name.

Q What was he? A One of them was a Cherokee, he was the man that carried us there.

Q Was he a farmer or a planter? A I dont know.

Q Did he claim to own you? A Yes sir.

Q What was his name? A Crabtree.

Q Was he a Cherokee man? A No sir.

Q Was he an Arkansas man? A Yes sir.

Q Did he own you when you went to Fulton? A Yes sir he said that I belonged to him.

Q He took you to Fulton did he? A Yes sir, and lots of us come back.

Q Did you live with this man Crabtree until you were set free by the war? A Yes sir, they was Creeks.

Q Who was Creeks? A Mr. Crabtree's folks.

Q Did you know Crabtree before you belonged to him? A No sir.

Q Did you know where he lived before you belonged to him? A No sir.

Q Did he have a home there at Fulton? A Yes sir.

Q Did he live in town or in the country? A In the country.

Q Did he have a farm there? A Yes sir.

Q Did he have slaves there before you come there? A Yes sir he had a whole passel of them, all Indian darkeys.

Q How many did he have? A I dont know.

Q Did you find them there at work when he brought you there? A Yes sir.

Q Did they tell you where they had come from? A Yes sir, they all come from the nation.

Q Did Crabtree have a wife? A Yes sir.

Q What was her name? A She was a Creek.

Q What was her name? A Celia.

By Davenport:

Q Was that the same Crabtree family that lives in Muskogee? A Yes sir, Pont and Jim.

Q Did they have a brother named Ben that lived at Fulton? A Cousin

By the Commission:

Q Who is there here that knows of your being married to Ben London, A I can call any one of them.

Sarah London v

JOHN ROSS, called and sworn as a witness, testified as follows for the applicant:

By the Commission

Q What is your name? A John Ross.

Q How old are you? A 36.

Q What is your post-office? A Muskogee.

Q Do you know the applicant here? A I have known her about ten years.

Q She is married is she? A Yes sir.

Q What is the name of her husband? A Ed London.

Q Has she been living with him as his wife ever since you have known her? A Yes sir.

Q They have a lot of grown children have they? A Yes sir.

Q You know the family do you? A Yes sir.

Applicant recalled and examined by Mr. Davenport:

Q You own property there in Muskogee now do you? A No sir I am working there is all.

By Com'r Breckinridge:

The applicant applies for herself and two children who are minors. She is identified on the Kern Clifton roll but not upon the roll of 1890 or that of 1896. It appears from the testimony that she was at one time a slave of a Cherokee citizen, but that she was sold prior to the war to a man, presumably a Creek, who lived near what is now known as Fulton, Arkansas, and that she was there taken before the breaking out of the Civil war, and lived there until she was set free by the war. She claims to have come to the Cherokee Nation in the year 1866. This is confirmed by two witnesses cited in the case, but her testimony is vague and does not convey an impression of being reliable; however, it appears that she has lived in the Cherokee Nation ever since she returned, except some years in the Creek Nation. Her change of name arising from marriage is established in a satisfactory manner. Giving her the benefit of any doubts that may exist at this time, she will be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision will be made known to her at her post office address. As for her two children, Levi and Ham, they are both minors and are living at this time; they are identified on the Kern-Clifton roll but not upon the roll of 1896; their claim is only through their mother as their father is a Creek; it is stated that neither the applicant nor any of the children have ever been enrolled as Creeks, the only application that has been made for them, being for enrollment as Cherokee freedmen; these children will be listed for enrollment as Cherokee freedmen on a doubtful card to await the termination of the status of their mother, through whom they claim. The final decision of their case will be made known to their mother at her post office address.

Chas. vonVeise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case from page 3 inclusive, and that the same is a full and correct transcript of his stenographic notes of the trial.

Subscribed and sworn to before me this 18th of June, 1901 at Nowata, I.T.

(signed) Chas. vonVeise.
(signed) T. B. Needles,
Commissioner P.

M. D. GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy

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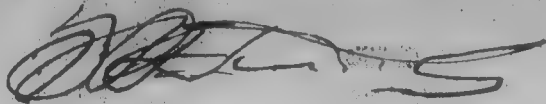
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COMMISSION TO THE UNITED STATES
DEPARTMENT OF THE INTERIOR

and that the foregoing is a true and complete copy of the original transcript.

Subscribed and sworn to before me this August 15, 1901.



Commissioner.

3
Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 10, 1901.

In the matter of the application of Bettie McCormick for the enrollment of herself and eight children as Cherokee Freedmen.

Bettie McCormick, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Bettie McCormick.
Q How old are you? A I don't know my age.
Q As near as you can; about thirty? A I don't know how old I am.
Q (Commissioner: She seems to be about thirty.)
Q What is your post office? A Muskogee.
Q In the Creek Nation? A Yes, sir.
Q Do you live in the Cherokee Nation? A That is my home when I am there.
Q In what district of the Cherokee Nation do you claim to live?
A Coowascoowee district.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A None but my children.
Q How many children? A Four girls and four boys.
Q Are these children all less than 21 years of age? A Yes, sir.
Q Are they all unmarried? A Yes, sir.
Q Are they all living at this time? A Yes, sir.
Q Have you a husband? A Yes, sir.
Q What is he, a state man? A Yes, sir.
Q Where were you born? A I was born up on Spavinaw.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you live in the Cherokee Nation before you went to Muskogee? A I have been in Muskogee a little over two years, or three.
Q Where did you live from the time you were born until you went to Muskogee two or three years ago? A I went to Texas.
Q When did you go to Texas? A I went to Texas after the war.
Q How long after the war? A I don't know, sir.
Q How old were you when you went to Texas? A I was grown, I never did leave the Nation until after the war.
Q Where did you go to Texas? A I went to Texarkanna.
Q Were you married at that time? A No, sir.
Q How many times have you been married? A Never been married but once.
Q Where were you married? A Married in Texarkanna.
Q How long did you live in Texarkanna? A About five years before I went back to the Cherokee Nation.
Q You were grown when you went there? A Yes, sir.
Q How long was it after you came back from Texarkanna before you went to Muskogee? A It was four or five years.
Q Well now, with the exception of that stay in Muskogee and your stay in Texarkanna, have you lived in the Cherokee Nation all your life? A Yes, sir, until we went to Texarkanna.
Q I say have you lived in the Cherokee Nation except while you were in Texarkanna and while you were at Muskogee? A Yes, sir, I haven't been nowhere else.
Q When were you married? A I don't know.
Q Well, did you marry pretty soon after you went to Texarkanna? A Yes, sir.
Q You have been married then about eleven or twelve years have you? A Yes sir, I suppose so.
Q How old is your oldest child? A My oldest child is not his child, my husband's.
Q Was your oldest child born in Texarkanna? A No, sir, born in the Nation.

Bettie McCormick - 2.

Q How old is your oldest child after your marriage? A Up to now, I reckon he is about 21. I guess he may be that old, I don't remember my age and my children's.

Q How old was that child when you went to Texarkanna? A He was about a little over a year old I reckon.

Q Give me the name of your father? A My father's name is Charley Rogers.

Q Is he living? A No, sir.

Q Give me the name of your mother? A Sarah Rogers.

Q Is she living? A Yes, sir.

Q Has your mother married since your father died? A Yes, sir.

Q What is your mother's present husband's name? A Ed London.

Q Was that your mother testifying here just now? A Yes, sir.

Q When did your father Charley Rogers die? A He has been dead, I don't know how long he has been dead, I can't tell you.

Q Do you remember him? A Yes, sir.

Q Did he die when you were a little girl? A I wasn't so little, I can remember him.

Q You don't remember the war, do you? A No, sir; my mother told me I was a good big girl.

Q Your father died before you went to Texarkanna, didn't he? A Yes sir, he was dead then.

Q Did he die before your mother married Ed London? A Yes, sir.

Q Give me the name of the man you married? A Calvin McCormick.

Q He is the only man you ever married? A Yes, sir.

Q Now give me the names of your children, begin with the oldest, give me their full names? A Will Rogers.

Q How old do you think that child is? A About 21.

Q Well, he will have to apply for himself I expect; that is not a child of McCormick? A No, sir.

Q Now give me the name of the next child? A Henry McCormick.

Q How old is he? A 17.

Q Give me the name of the next child? A Bertha McCormick.

Q How old is Bertha? A 14.

Q Give me the name of the next child? A Clara.

Q How old is Clara? A 12.

Q Now the next child after Clara? A Hattie.

Q How old is Hattie? A 8 years old.

Q Now the next child? A Helena, 6.

Q Now the next child? A O. D. McCormick.

Q How old is that child O. D.? A He is about 3 years old.

Q You have got one or two more children, haven't you? A Just one.

Q What is its name? A Dewey.

Q How old is that child? A He is a year old.

Commissioner: Make the application for seven children leave out the oldest one.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Q Did you draw strip money? A Yes, sir.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Bettie McCormick on page 129, No. 3216, Cooweescoowee district as Halsey McCormick;

Henry McCormick on page 129, No. 3221, Cooweescoowee district;

Bertha McCormick on page 129, No. 3218, Cooweescoowee district, as Roberta McCormick;

Clara McCormick on page 129, No. 3220, Cooweescoowee district;

Hattie McCormick on page 129, No. 3219, Cooweescoowee district;

Helena McCormick on page 129, No. 3217, Cooweescoowee district, as Helen McCormick.

Bettie McCormick - 3.

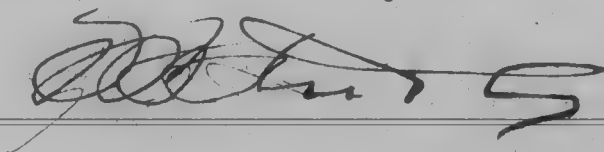
Q Is there somebody here who knows that you and your husband have been living together as husband and wife? A My brothers.

(Taking of testimony continued by M. D. Green.)

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 18th of June, 1901.



Commissioner.

This case is continued from notes taken by BRUCE C. JONES, stenog.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., June 10, 1901.

In the matter of the application of Betsy McCormack for the enrollment of herself and seven children as Cherokee Freedmen;

BILLY LONDON, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give your name? A Billy London.
Q What is your post-office? A Kansas City, I guess now, stopping up there while.
Q Do you know the applicant here? A Yes sir, that's my sister.
Q Full sister or half sister? A Half sister.
Q Have you and she the same mother? A Yes sir.
Q What's her name? A Bettie McCormack now.
Q I am talking about your mother's name? A Sarah London.
Q ~~Is she~~ Did she used to be called Sarah Rogers? A Yes sir.
Q Has your sister been married? A Yes sir.
Q How long has she been married? A About 17 years I believe, some-
who re alone there.
Q Has she ever been married more than once? A No sir.
Q Have she and her husband lived together ever since they were
married? A Yes, here, but a short while.
Q He is a state man I believe? A Yes sir.
Q Do you know how old this half sister is? A No I don't know how
old she is, she is older than any of them.
Q How old are you? A 28.
Q She is a good deal older than you are? A Yes sir.

Applicant, BETSY MCCORMACK, re-called and further examined,
by Com'r Breckinridge:

- Q Do you know why you are not on the roll of 1880? A No sir.
By Com'r Breckinridge:
Q Did your mother go with you to Texas? A No sir.
A Didn't move down there.
Q Didn't she go with you to Texas? A No sir.
Q Where was your mother living when you went to Texas? A Brushy
Mountain, Cherokee Nation.
Q What year was it you went to Texas? A I don't know.
Q You went before you married your last husband? A Yes sir.
Q What year did you marry him? A I don't know.
Q You married him in Texas? A Yes sir.
Q On the Arkansas side or the Texas side? A On the Texas side.
Q You worked how long there after you married? A About two or three
years.
Q Where did you go from Texas? A Back to the Cherokee Nation.
Q What part of the Cherokee Nation? A Over at Ft. Gibson.
Q What year did you come back to Ft. Gibson? A I don't know anything else
about the years.
Q How long has it been since you went to Ft. Gibson? A It has been
years.
Q Where did you go after you went left Ft. Gibson? A I went to Brushy
Mountain.
Q How long did you live there? A Four or five years.
Q Where did you go when you left Brushy Mountain? A I came over to
Muskogee.
Q Been living there ever since, part of the time with my mother.
Q The other part of the time where have you been? A Come up over to
Vinita, and elsewhere, working around.
Q Where was your husband during that time? A He was at home at Muskogee.
Q Have you been back to Texas to live since you left there?
A No sir.
Q Have you any living children? A I am stopping with at present.

Betsy McCormack et al continued page 2

- Q How long have you been stopping there? A Little over two years I reckon.
- Q You have lived two years in Muskogee? A Yes sir.
- Q How long did you live at Brushy Mountain? Before you went to Muskogee?
- A I lived out there near about three or four years, I don't know exactly how long I lived out there, I stayed out there terrible time.
- Q How long did you stay at Ft. Gibson before you went to Brushy Mountain? A I didn't stay over there so long.
- Q About how long? A I reckon about two years.
- Q And you came from Texas to Ft. Gibson? A Yes sir.
- Q That would make it about eight years ago you left Texas na?
- A Yes sir.

By Con'r Breckinridge:

- Q Where was your child Henry born? A Born in the Cherokee nation.
- Q He was not born in Texas na? A No sir.
- Q Was he born pretty soon after you got back from Texas na? A No sir, a good while.
- Q How did you happen to go to Texas na? A Just travelling around.
- Q Were you by yourself? A No sir.
- Q Who did you go with? A Went with another girl.
- Q Did you take your child with you? A Yes sir.
- Q That was a good long time ago and a good long ways off and a very roundabout kind of place, how did you happen to go down there? A Went with another girl.
- Q Just travelling? A Yes sir.
- Q Did you run off? A No sir.
- Q Did you go down by railroad? A Yes sir.
- Q Was that where you started to go? A I was just going to see, travelling around.
- Q You left here for the purpose of going to Texas na did you? A No, just stopped there, I didn't know no more about Texas na.
- Q Your money gave out when you got there? A Yes sir.
- Q You were just going until your money gave out? A Just going, I was travelling, travelling about.

Con'r Breckinridge: The applicant applies for the enrollment of herself and seven minor children; she has no application for her husband, as he is a state man and they were married in the State of Texas at Texas na; the applicant is identified on the Kern-Clifton roll, but not upon the roll of 1890 or that of 1896; it appears from the testimony that she is in the neighborhood of forty years of age; she seems to have lived in the Cherokee Nation all of her life, except an indefinite period embracing perhaps several years when she lived at Texas na, Texas previous to her marriage, and somewhat subsequent thereto, and she says that she has made and is now making in the Creek Nation; her change of name arising from marriage is established in a satisfactory manner; her original right under the treaty of 1866 appears to be derived through her mother, now Sarah London; under the conditions stated the applicant will be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further evidence in her case there will be filed therewith a copy of the testimony in the case of her mother, Cherokee Freedman doubtful, 577; when the final decision of the Commission is rendered, it will be made known to the applicant at her post-office address;

Of the seven children named in the testimony, the first five are identified on the Kern-Clifton roll; they are living and they will now be listed for enrollment with their mother as Cherokee Freedmen, and when she supplies the birth records of D. D. and Henry McCormack, these children

Netey McCormack et al continued page 3

ren will also be listed for enrollment on a doubtful card as Cherokee Freedmen, and the final decision as to all of these children will be made known to the applicant at her post-office address.

SUPPLEMENTAL to judgment.

SARAH LONDON, re-called and further examined testified as follows:

- Q Where did you say this daughter was born? A She was born on Spavinaw.
- Q In the Cherokee Nation? A Yes sir.
- Q Was that before the war? A Yes sir.
- Q You were out of the Cherokee Nation during the war were you?
- Q Yes sir, before the war started Miss Ellen sent me to Texas.
- Q How long before it started? A It was a good while.
- Q Several years? A Yes sir, I reckon it was.
- Q Several years before the war began? A Yes sir.
- Q Where was it you lived down there in Texas? A I lived right down on a place now -- I can't call the name of that place, but there about it was on the side of the river on Crabtree's place.
- Q Who was Crabtree? A It was Mount Crabtree's daddy, the one that lives right here in Muskogee.
- Q You were living on Crabtree's place, the father of Mount Crabtree who lives in Muskogee now? A Mount Crabtree's widow.
- Q Was Mount Crabtree a Creek? A Yes sir.
- Q Was his father a Creek? A No sir, white man.
- Q Mount Crabtree's mother was a Creek? A Yes sir.
- Q How long did you live with the Crabtrees? A Until the surrender.
- Q What was it you belonged to after you went to live with the Crabtrees? A Lewis Rogers; he raised me, he was my first master.
- Q And he sold you to the Crabtrees? A Miss Ellen Rogers did.
- Q Did you live with them until the war closed? A Yes sir.
- Q Was this child born when you went down to the Crabtrees? A Yes sir.
- Q They taken this child away from me and kept her here in the nation, when I come back here she was about that high (indicating), and I taken her.
- Q About how old? A I couldn't tell you how old she was.
- Q She was a little thing was she? A Yes sir.
- Q This child then didn't go out of the Cherokee Nation during the war? A No sir, it was after the war when she went out; when I come and gather and carried her away from here.
- Q Where did you carry her? A I carried her down there to Fulton.
- Q That is down in Arkansas? A Yes sir.
- Q When was it you carried her there? A That was after the war.
- Q Pretty soon after the war? A Yes sir.
- Q How did you happen to go down to Fulton? A I had been down there all the time, and I couldn't find none of my people up here that I knowed.
- Q Had you been down there about Fulton during the war?
- Q Yes sir.
- Q Did this daughter ever work at Texarkana? A She was down there after she grew up.
- Q Did she go from Fulton to Texarkana? A No sir, I brought her back here and she run off and went down there.
- Q How long did she stay with you at Fulton? A She was a little thing when I took her there, and stayed there until she was a young woman. And then I brought her back here and she went off down to Texarkana.
- Q And there she married? A Yes sir.

Q How long before the war was it that this daughter was born, was it as much as five or six or seven years? A Mister, I can't tell you and tell you the truth, because I don't know one year from another. Only Miss Ellen said it was Christmas, and that's all I know about it.

Q When you were sold to the Crabtree's they didn't sell this child with you? A No sir.

Q They kept her back here? A Yes sir.

Q And then when you came back after the war you took her to Fulton with you? A Yes sir.

Q How did you happen to go back to Fulton after you came here after the war? A I couldn't find none of my people, ~~that~~ I knowed the people down there and I just went back; it was harder time here than then it was down there.

By Mr. Davenport:

Q When you came from Fulton back to the Territory after the war what route did you travel? A Big road.

Q How did you come? A Come afoot, walking; I walked down there and I walked back; Crabtree carried me down there and I walked down there.

Q There was some one went with you down there? A Yes sir, and some one come back with me too.

Q Who was it you came back with? A Liza and Rachel.

Q Your sisters? A No sir, no kin to me at all; they belong to the Nation.

Q You know how many children by Bettie McCormack was born while she was living in Texarkana? A Two, of them, Henry and Bertie.

Q They were born at Texarkana, Texas? A They was born there.

Q The others were born in the Creek and the Cherokee Nations together? A Yes sir, as well as I can tell.

By Com'r Breckinridge:

Q When was it you say you first came back to the Cherokee Nation after the war? A They said it was after '66, I don't know.

Q After '66? A It was just a little before that.

Q Little before what? A Little before '66.

Q You said just now after '66? A Person is liable to make mistake now.

Q What do you mean now? A I mean before, that's what I heard, I don't know.

Q How long did you stay here before you started back to Fulton?

A When I come back then I stayed here and about here ever since.

Q You told me just now you didn't find your people and went back to Fulton? A I stayed here a right smart while and then I went back and stayed there a good while.

Q You told me you came back here at the close of the war and didn't find your people, and times were hard? A Yes sir.

Q And that then you turned around and walked back to Fulton? A Yes sir.

Q How long did you stay here before you turned around and walked back to Fulton? A I didn't stay here long, I guess I stayed here about a month or two.

Q Now that time you got here was it the first time you saw this girl after the war? A Yes sir.

Q And when you got back here you then saw her? A Yes sir.

Q You had been down at Fulton separated from your child? A Yes sir.

Q Then when you went back to Fulton that time you took her? A Yes sir I did.

Q Now when she came back here from Fulton was her child William born, - where was William born? A William was born down there.

Betsy McCormack et al continued page 5

- Q Down in Fulton? A Yes sir.
- Q And after William was born she came here? A Yes sir.
- Q And stayed awhile and then she went to make this stay in Texas and got married? A Yes sir, that's the time she run off from me.
- Q She claims she didn't run off, she just went? A She run off.
- Q She was of age wasn't she, and had a right to go where she wanted to? A I don't know.
- Q How old was she when Will was born? A Said she was about 15 years old.
- Q Her brother I think said she was about 25? A They don't know exactly and I don't know; we don't know exactly the children's age at all, because I don't know and I can't tell them.
- Q How old was her child Will when she first brought him here? A Like this one. (Indicating child in mother's arms.)
- Q Little thing in arms? A Yes sir.
- Q How long did she stay before she ran off from you and made that visit back to Texas? A I reckon she stayed here about two or three years, as near as I can remember.
- Q And then when did you see her next, how long was it? A It was a long time before I see her.
- Q Where did you see her next? A Second time I saw her she was down here in, I forget the name of the place now.
- Q Some place in the Cherokee Nation? A No sir, she was in the Creek nation.
- Q Had she just come back from Texas? A Yes sir, she just had come back from Texas, and she was staying down there.
- Q Down there in the Creek nation? A Yes sir.
- Q Was that at Muskogee? A No sir, it was away below Muskogee.
- Q On the railroad? A No sir, she wasn't on no railroad, out in the country.
- Q That was a long time after she had left you and gone to Texas? A Yes sir.
- Q Well now when she left that place in the Creek Nation where did she go? A She come home then back in the Cherokee Nation.
- Q How long did she stay down there at that place in the Creek Nation? A She stayed down there as near as I can recollect, yes she had then two children.
- Q That is Will and Henry? A Will and Henry and Bertha.
- Q Was Bertha a little thing? A Yes sir, she was a baby then, and Henry he could run all about.
- Q And then she came to the Cherokee nation? A Yes sir.
- Q And then has she been living in the Cherokee nation and the Creek Nation ever since? A Yes sir, ever since then.

Applicant, BETSY MCCORMACK, re-called, and further examined, by Com'r Breckinridge:

- Q You didn't tell me about your having lived at Fulton Arkansas? A Because I didn't know anything about it.
- Q You stayed there until your child Will was born? A I don't know anything about it.
- Q You stayed there until you were grown young woman, your child Will was born there? A No sir, he wasn't.
- Q Your mother said he was? A She made a mistake.

Witness, MARAH LONDON, re-called and further examined, by Com'r Breckinridge:

- Q Where do you say now Will was born? A I tell you where Will was born.
- Q At Fulton? A Yes sir.

Com'r Breckinridge: This will be filed with the testimony.

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Previously taken for careful consideration in connection therewith with this additional testimony since rendering the judgment is to be filed with case D 897 also.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 11, 1901.



San Antonio.

U.S. 1000

PAPER CO. FILE

No. D. 652

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901

Given under my hand this
day of..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

..... day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the..... day of..... A.D. 1901

Subscribed and sworn to before me
this..... day of..... A.D. 1901.

Notary Public.

SEP 16 1901

No filed

NOTICE!

IN THE MATTER OF the application of Bettie McGermick
for enrollment as a Cherokee citizen:

Case No. D 652

To Bettie McGermick Muskegee I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 24 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 10 1901

L B Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

File with case of Bettie McCormick, C.F., D. #452.

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS, TRICKS,
WASH., D.C., October 28, 1901.

EXHIBIT TESTIMONY in the matter of the enrollment of
BARON LONDON, et al., as Cherokee Freedmen, introduced on part of
the Cherokee Nation.

APPEARANCES:

Applicant present in person;

Mr. V. W. Hastings, for Cherokee Nation.

CALVIN McCORMICK, being sworn and examined by Commissioner
Breckinridge, testified as follows on behalf of Cherokee Nation:

Q What is your name? A Calvin McCormick.

Q How old are you? A About 32 years old.

Q What is your post office? A Muskogee.

Q Do you live in the Cherokee Nation or do you live in the Creek
Nation? A No, sir; I live in the Creek Nation.

Q Where were you born? A I was born in Arkansas.

Q What part of Arkansas? A I was born pretty close down to Ful-
ton, Arkansas.

Q Where did you come from to the Territory? A Fulton, Arkansas.

Q When? A Five or six years ago.

Q And before that did you live all your life about Fulton?

A Yes, sir, right around Fulton.

MR. HASTINGS: Mr. McCormick, what did you give as your age, I
didn't understand it? A 32 years old, I am close to 32, or 3
years old.

Q Were you ever married? A Yes, sir.

Q What was your wife's name? A Married her by the name of Bettie
Rogers.

Q Did she go by the name of Rogers prior to your marriage?

A That is the name she was going in when I went to see her and I
married her.

Q Did you know your wife's mother? A Yes, sir.

Q What was her name? A Sarah London.

Q Where did you first know Sarah London? A I first got acquainted
with her in the town of Fulton, Arkansas.

Q Was that before or after you married her daughter? A It was
before.

Q How long had you known Sarah London before you married her daugh-
ter? A Well, give you as close as I possibly can, I think it

must have been two or three years, or probably four, it was somewhere
close to about that.

Q Where was she living when you first knew her? A She was living
in Fulton.

Q Arkansas? A Yes, sir.

Q What was her husband's name? A His name was Ed London.

Q You knew her there three or four years before you married her
daughter? A Yes, sir.

Q Now, how long did you know her after you married her daughter?

A Well, I guess it must have been somewhere about a year or two
after I married her, I don't know the exact time, I guess it was
close about that time.

Q Did she leave down there or you, which left first? A No, sir,
she left me there, said she was going to the Territory, since
then she left me there.

Q What was your wife's given name? A Given name was Bettie.

Q When did she first come to the Territory? A Let's see she
came here in the year they discharged the payment down here, that

Is the year she came down there.
Q You have reference to the strip payment? A Yes, sir.
Q About how many years ago? A I don't know, it has been I guess;
just about how many years it has been.
Q Well, five or six years ago? A Yes, sir, fully that long.
Q Do you mean that payment? A Yes, sir.
Q Do you remember the year that you were married? A No, sir, I
don't know exactly.
Q Where were you married? A I was married down at Fulton.
Q How old is your oldest child? A He is about 18 or 19 years
old.
Q You married of course before that child was born? A Yes, sir.
Q That was your first child? A Yes, sir.
Q Did you know the rest of Sarah London's family? A Yes, sir.
Q Do you know some of the other children? A Yes, sir.
Q Name them. A She had a child named Mina London, that is a boy,
and another one by the name of Billy London, he is a boy; she has
got one named Ham, I think he is a boy and Yub, I think he is a boy.
She has got two daughters.
Q Was Ed London the father of your wife? A No, sir.
Q That was this woman's second husband? A I don't know, that
was the only husband I knewed of.
Q That was not the father of your wife? A No, sir.
Q Steppather? A Yes, sir.
Q Was Sarah London and Ed London living down there keeping house
when you knew them? A Yes, sir.
Q You remember whether or not Sarah London was there when your
first child was born or no? A Yes, sir.
Q Now, I will ask you to look at this applicant here and see if
that is the same Sarah London you are talking about? A This lady
here (referring to applicant.)
Q Yes. A Yes, sir.
COM'R SPECKINBRIDGE: You say you married your wife Bettie,
daughter of this Sarah London, down at Fulton, Arkansas?
A Yes, sir.
Q That was a year or such a matter before your 18 year old child
was born? A Yes, sir.
Q Then you and Bettie have been married some 19 or 20 years ago
somewhere along there? A Yes, sir.
Q Where was your wife's mother living then (No response.)
Q Was she down there at Fulton when you married that daughter
Bettie? A Yes, sir.
Q She was there? A Yes, sir; it seems to me like she was there.
Q How long did you and your wife live at and about Fulton?
A We have always lived there; Sarah London lives from the time we
was married up until the time she came down here to this payment
and then co-operated.
Q Some six or seven years ago? A Yes, sir.
Q Where was your wife's mother during all that time, this woman
over here? A She left them down there, she was there a short while
as I said a while ago and then she left to come to the Territory.
Q A short time after you married? A Yes, sir.
Q And then came to the Territory? A Yes, sir.
Q Have you ever seen her back there from that day to this?
A No, sir.
Q What do you know about her being there at Fulton before you and
your wife married? A I don't know about her being out away from
there and going back down after we was married.
Q Did you know of your wife's mother back there before you and your
wife married? A No, sir.
Q You don't remember her there before you and your wife were mar-
ried? A Before we was married, yes, sir, I was acquainted with her
before I and her was married.
Q When did you first see your wife's mother? A I first met her

at Fulton, Arkansas.

Q How long was that before you married her daughter, Bettie?

A Oh, it was about two or three years.

Q Well, now, did your wife's mother live there at Fulton from the time you first saw the old lady until you got married? A Yes, sir; around about there, working.

Q You don't know anything about her leaving there and coming to the Territory during that time? A No, sir.

Q Then you say she lived there and about there a short time after you and your wife married? A Yes, sir.

Q About how long? A Two or three years.

Q And it was your understanding that she came to the Territory?

A Yes, sir, and I never saw her until I came here myself.

Q And you then saw her in the Territory? A Yes, sir.

SARAH LONDON, the applicant, recalled, testified as follows:

Q You have listened to this testimony, now if you want to ask this witness any questions you may do so? A No, sir, I don't know what to ask him.

Q Well, has he made any mistakes in what he said? A I don't know what to say.

Q You have heard him say everything, is there anything you want to correct and say where it was wrong? A No, sir, he is perfectly right, of course he married my daughter when I went down there, after I went down on the river.

Q How long did you know this man before he married your daughter, Bettie? A I knowed him I reckon about three years.

Q And did you live there in and about Fulton from the time you knew him until he married your daughter, Bettie? A Yes, sir, lived around there at Mrs. Adams.

Q And how long was it before this man married your daughter and came to the Territory? A I reckon it was about three years.

Q Just about like he says? A Yes, sir.

Q Well, now, had you been there about Fulton all the time from the time you left the Territory until you came back after your daughter Bettie married? A Yes, sir.

Q When you came back after your daughter Bettie married that was the first time you came back to the Territory after you left? A Now, listen to me good, I came here first before I ever knowed this boy, and got Bettie and married her from here down there with me.

Q How long did you stay here when you got Bettie? A I never got down on the river with her until she and Healy was grown.

Q So you had made that trip back here after you first left?

A Yes, sir, when I first left here I come back here and got this child, I left this child when I was sent off and went back there and stayed there until this girl married and then I come back here.

Q And that is all the going and coming that was done? A Yes, sir.

Q How old was Bettie when you come and got her? A I think she was about four years old, she was a little bit of a thing.

Q How old is Bettie now? A I could not tell you how old she is.

Q Where was Betsey born? A Betsey was born in slavery time.

Q Before the war? A Yes, sir.

Q How long before the war? A Well, I can tell you when Miss Ellen sent for me Betsey was a little girl just commencing to walk, and the black folk wasn't free then.

Q Now, was the war over when you come back and got Betsey? A When I came and got Betsey the war was over.

Q Well, how long before the war was it Betsey was born? A I don't know how long it was, Betsey was a child, she was about that high (indicating) when I taken her away from here.

Q When you took her with you? A Yes, sir.

Q You took about four years old? A I reckon she was.

- Q Which came out here first when you came out here to look, you or your husband, Ed? A Ed came first.
- Q About how long before you came? A Ed came out here and stayed a year, I don't know whether he stayed a year before I come because I didn't make any crop that year before I come.
- Q Did you go over in Canadian district near Mr. Lowrey's and Smith's? A Yes, sir.
- Q That is where you first came? A Yes, sir.

HENRY C. LOWREY, being duly sworn and examined by Commissioner Breckinridge, testified as follows, on behalf of Cherokee Nation:

- Q Give me your full name, please? A Henry C. Lowrey.
- Q How old are you? A 52.
- Q What is your post office? A Muskogee.
- Q You live in the Cherokee Nation, do you not? A Yes, sir.
- Q How long have you lived in the Cherokee Nation? A About 48 years, all my life nearly excepting the time during the war.
- Q Were you born in the Cherokee Nation? A Yes, sir.
- Q You lived there all your life then except during the war? A Yes, sir.

MR. HASTINGS: Mr. Lowrey, did you know a colored man in Canadian district by the name of Ed London, whose wife was Sarah? A Yes, sir. I used to know him when he lived there, I don't live there now.

- Q I will ask you to look at this woman and see if this is the woman? A Yes, sir, that is Sarah London.
- Q About when did you first know her husband, Ed London? A I think about '84 or '85, along there somewhere.
- Q Where did you know him and in what circumstances? A They moved in our neighborhood, Canadian district.
- Q Which came first? A The old man.
- Q And about how long until his wife and family followed? A I don't know, it may have been a year, I don't know what time he came in the spring something like a year.
- Q Did you know from him where his family was? A Just what he said.
- Q What did he say about it? A They said they was on the line of Arkansas and Texas, near Texarkana.
- Q His family came out you say about a year after he came? A Yes, sir.
- Q That was your first acquaintance with them? A Yes, sir.
- Q How long did they live in your neighborhood there? A About two years.
- Q And then where did they go? A Went to Muskogee.
- Q Have they lived about there since then? A Yes, sir, I have saw part of the family all the while there, especially the old man.
- Q Do you know anything about his making arrangements to send for his family? A Oh, yes, that is they were talking about going after his family; he said they were coming from Texas.
- Q You mean Texarkana? A Yes, sir, and he was making arrangements with his brother-in-law to go after them; he lived with his brother-in-law right by me, and I say they lived close to me, a mile and a half, after they first came in.

SARAH LONDON, the applicant, recalled: Com'r Breckinridge

Q Now, you have heard Mr. Lowrey's testimony, do you want to ask him any questions? A Ed, sir.

Q Has he made any mistakes that you want to correct? A No, sir; none at all.

McCOY SMITH, being duly sworn and examined by Commissioner Breckinridge, testified as follows, on behalf of Cherokee Nation:

- Q Give me your full name, please? A McCoy Smith.
Q How old are you? A 54.
Q What is your post office? A Braggs, Indian Territory.
Q How long have you lived in the Cherokee Nation? A 54 years.
Q All your life? A Born and raised here, yes, sir.
MR. HASTINGS: You know the applicant here, Sarah London?
A Yes, sir, I know her.
Q Did you know her husband, Ed London? A Yes, sir.
Q Smith, how long have you known either or both of them? A I have known Sarah 17 years.
Q Which did you know first, she or her husband? A Her husband.
Q Where did you first see her husband? A There in Gooseneck Bend, just above Mountain, about two miles above Brushy mountain.
Q What district? A Canadian.
Q There is a Gooseneck bend in Canadian? A Yes, sir.
Q Well, did he have his family there then? A No sir, not when I first saw him.
Q Do you know where his family was? A He said they were down at Texarkana.
Q Well, did you afterwards see his family? A Yes, sir.
Q About how long after you first saw him? A About a year.
Q Texarkana, Arkansas? A Yes, sir, that is the place.
Q And about a year afterwards you saw the applicant and family?
A Yes, sir.
Q Is that the first time you ever saw the applicant? A Yes, sir.
Q How long did they live in that neighborhood by you? A They were there about two years, and they moved up to Muskogee, and they went, I think they moved in the spring and that fall they came back down there to pick cotton, down in the neighborhood there.
Q How far did they live from you when they first came up in there?
A She came to her brother-in-law's first, that is a little more than a quarter of a mile, and stayed I don't know how long to Brushy Mountain, about a mile from me and lived there about a year and the second year following from that lived right down in the hollow, six or seven hundred yards of my place.
Q You know the family well? A Yes, sir.
Q Do you know who moved them up there? A I think it was Ed's brother maybe, but I don't recollect his name. Brought them from Muskogee though I believe.

SARAH LONDON, applicant, recalled: Com'r Breckinridge:

- Q Sarah London, you have heard this testimony, do you want to ask any questions? A No, sir.
Q Has she made any mistakes now that you want to correct? A No, sir.

FRANK SMITH, being sworn and examined by Commissioner Breckinridge, testified as follows, on part of Cherokee Nation:

- Q Give me your full name, please? A Frank Smith.
Q How old are you? A 56.
Q What is your post office? A Braggs.
Q How long have you lived in the Cherokee Nation? A All my life.
MR. HASTINGS: Mr. Smith, you know this applicant sitting behind you, Sarah London? A Yes, sir, I see her, not very well acquainted with her.
Q Did you know her husband, Ed London? A Yes, sir.
Q When did you first see either of them and where? A I saw Ed about '88 on Gooseneck bend on the Arkansas river.
Q In what district? A Canadian.
Q Did you see his family after that? A Yes, sir.
Q About how long? A About a year I guess after he came in there his family came.

- Q Do you know where they went from when they came there? A No, sir, I have never had any talk with him.
Q About how long did they live around there? A About year.
Q And then where did they go? A Muskegee.
Q That is about all you know about it? A Yes, sir.

SARAH LONDON, the applicant, recalled: Com'r Breckinridge:
Q Do you want to ask the witness any questions? A No, sir.

J. P. VanHoy, being duly sworn and examined by Commissioner Breckinridge, testified as follows, on part of Cherokee Nation:
Q Give me your full name, please? A J. P. VanHoy.
Q How old are you? A I am 72, be 73 the first day of December next.
Q What is your post office? A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A 50 years last Christmas.

MR. HASTINGS: Mr. VanHoy, do you know this applicant, Sarah London? A Yes, sir.
Q Did you know her before the war? A Yes, sir.
Q Where was she first living when you first knew her? A On Spaulsaw, at Lewis Rogers.
Q In what district? A In Saline district.
Q About how long before the war was it when you first knew her? A Oh, it was several years before the war, ten or 11 years somewhere along there.
Q Are you well acquainted with Lewis Rogers? A Very well, sir.
Q Were you about his place much? A Good deal, sir, I built houses there.
Q Are you carpenter by trade? A Yes, sir.
Q Did you know Lewis Rogers' wife? A Yes, sir.
Q What was her name? A Ellen one of them, and the other one was named Lucy.
Q Was Lewis Rogers alive when the war came up? A No, sir.
Q How long had he been dead before the war? A I do not recollect, but I think Lewis Rogers died about '57, I think so.
Q His wife survived him, lived after him? A Yes, sir.
Q Now, were you about Lewis Rogers place and his wife's place after Lewis Rogers' death? A Very often, there was a store there down a mile from there then, I was one time with the family.
Q Trading point was it? A Yes, sir.
Q Do you know whether Sarah London was there just before the war come up or not? A Well, they told me they had sold Sarah, that is what they told me.
Q Who told you? A Tom Rogers and Ellen Rogers.
Q When did they tell you that? A About '58.
Q Did they say to whom they sold her? A Man by the name of Crabtree, they said.
Q Do you know where Crabtree lived? A No, sir.
Q Well, did they say? A No, sir; I don't remember.
Q Well, you say you were about Rogers' place frequently a few years before, immediately preceding the war? A Yes, sir.
Q You didn't see her there? A No, sir, I didn't see her there I saw her sisters there.
Q When was the first time you saw her since the war? A Well, sir, it was about '83 or '84 in Canadian district, I was passing a blacksmith's house and saw her and knew her and got over the fence and had a talk with her.
Q Did she say where she had been? A Yes, sir, she said she had come back from Arkansas if I remember right.
Q That was about 1884? A Yes, sir.
Q Do you remember whether she went by her present name or not, London, or did you just call her Sarah? A I just called her Sarah.

- Q Do you know where they went from when they came there? A No, sir, I have never had any talk with him.
Q About how long did they live around there? A About year.
Q And then where did they go? A Muskogee.
Q That is about all you know about it? A Yes, sir.

SARAH LONDON, the applicant, recalled: Com'r Breckinridge:
Q Do you want to ask the witness any questions? A No, sir.

- J. P. VanHoy, being duly sworn and examined by Commissioner Breckinridge, testified as follows, on part of Cherokee Nation:
Q Give me your full name, please? A J. P. VanHoy.
Q How old are you? A I am 72, be 73 the first day of December next.
Q What is your post office? A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A 50 years last Christmas.

- MR. HASTINGS: Mr. VanHoy, do you know this applicant, Sarah London? A Yes, sir.
Q Did you know her before the war? A Yes, sir.
Q Where was she first living when you first knew her? A On Spaulsaw, at Lewis Rogers.
Q In what district? A In Saline district.
Q About how long before the war was it when you first knew her? A Oh, it was several years before the war, ten or 11 years somewhere along there.
Q Are you well acquainted with Lewis Rogers? A Very well, sir.
Q Were you about his place much? A Good deal, sir, I built houses there.
Q Are you carpenter by trade? A Yes, sir.
Q Did you know Lewis Rogers' wife? A Yes, sir.
Q What was her name? A Ellen one of them, and the other one was named Lucy.
Q Was Lewis Rogers alive when the war came up? A No, sir.
Q How long had he been dead before the war? A I do not recollect, but I think Lewis Rogers died about '57, I think so.
Q His wife survived him, lived after him? A Yes, sir.
Q Now, were you about Lewis Rogers place and his wife's place after Lewis Rogers' death? A Very often, there was a store there down a mile from there then, I was one time with the family.
Q Trading point was it? A Yes, sir.
Q Do you know whether Sarah London was there just before the war came up or not? A Well, they told me they had sold Sarah, that is what they told me.
Q Who told you? A Tom Rogers and Ellen Rogers.
Q When did they tell you that? A About '58.
Q Did they say to whom they sold her? A Man by the name of Crabtree, they said.
Q Do you know where Crabtree lived? A No, sir.
Q Well, did they say? A No, sir, I don't remember.
Q Well, you say you were about Rogers' place frequently a few years before, immediately preceding the war? A Yes, sir.
Q You didn't see her there? A No, sir, I didn't see her there I saw her sisters there.
Q When was the first time you saw her since the war? A Well, sir, it was about '63 or '64 in Canadian district, I was passing a blackman's house and saw her and knew her and got over the fence and had a talk with her.
Q Did she say where she had been? A Yes, sir, she said she had come back from Arkansas if I remember right.
Q That was about 1864? A Yes, sir.
Q Do you remember whether she went by her present name or not, London, or did you just call her Sarah? A I just called her Sarah.

there was a man there she called husband and I guess he was.

Q Did she have some children? A Yes, sir, she had some children, but I didn't notice the children; I see her old man in a while at Muskogee and talk with him yet and ask him about Sarah.

Q Do you know whether Rogers' wife is alive now or not? A She told me she was dead; that is, her son Tom told me she was.

SARAH LONDON, the applicant, recalled: Com'r Breckinridge:

Q Are there any questions you want to ask the witness? A No, sir.

Q Are there any mistakes he made? A No, sir.

R. L. MARTIN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A R. L. Martin.

Q How old are you? A Going on 54.

Q What is your post office? A Pensacola.

Q In what district do you live? A Delaware district.

Q How long have you lived in the Cherokee Nation? A All my life.

MR. HASTINGS: Did you know Lewis Rogers before the war?

A Yes, sir.

Q What relation, if any, was he to you? A He was my father-in-law; since the war I married his daughter.

Q Did you know a slave that he formerly owned by the name of Sarah?

A Yes, sir.

Q I will ask you to look at this applicant and see if you recognize her? A I don't know as I could recognize her, it has been so long since I seen her.

Q What was Lewis Rogers' wife's name? A Ellen, he had two wives at that time.

Q Well, do you know what became of Sarah? A Yes, she fell into my father's hands and he sold her.

Q Well, when did he sell her? A About '58 I reckon, I don't know just exactly the date.

Q Do you know to whom he sold her? A Yes, I think the man's name was Crabtree.

Q Do you know where Crabtree lived? A I understand he lived in Arkansas, I don't know him personally.

Q You have never seen her since, or have you? A No, sir.

Q You have never seen her since the war? A No, sir.

COM'R BRECKINRIDGE: When did you first know this woman, Sarah, how long before the war? A I guess along about '57 or '8, I knew her before the old man Rogers died, I don't know just how long it was I don't know just how long it was.

Q You knew her some time before she came into your father's possession? A Yes, sir.

Q She did belong to Lewis Rogers did she? A Yes, sir.

Q How did your father happen to get possession of her?

A It was by divisions of the estate, his wife was old man Rogers daughter.

Q Your father's wife? A Yes, sir.

Q And you knew Sarah while she was still the property of Lewis Rogers? A Yes, sir.

Q Your father sold her then very soon after he got possession of her? A Yes, sir; I think it was in '58, it may be a little longer.

Q How long did your father have possession of her?

A I don't know, it could not have been long, I think old man Rogers died in '57.

Q How far did your father live from Lewis Rogers? A At the time he died I think he lived right there, but he moved away about ten miles.

Q Did this woman leave the farm of Lewis Rogers and come over to your father's house? A Yes, sir.

Q Came and lived with your father until she was sold to Crabtree?

A Yes, sir.

SARAH LONDON, the applicant, recalled: Com'r Breckinridge:

Q Sarah, you have heard the witness' statement, do you want to ask him any questions? A No, sir.

Q Has he made any mistakes? A No, sir, none.

Q Are you the Sarah that belonged to this witness' father?

A Yes, sir.

Q That is correct? Yes, sir.

Q And then he sold you to Crabtree? A Yes, sir.

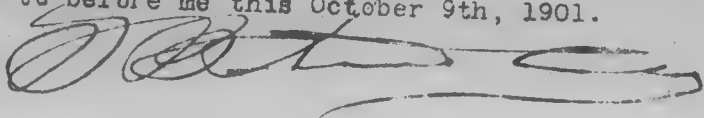
Com'r Breckinridge: This will be filed as supplemental testimony in Cherokee Freedman case D.#577, and sets of the testimony will also be filed in Cherokee Freedmen doubtful cases #649, 652, and 654.

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J. O. Rossen, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcripts of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this October 9th, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 16, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application for the enrollment of BETTIE McCORMICK, ET AL., as
Cherokee Freedmen.

Appearances:

A. S. McRea, Attorney for Applicants.
W. W. Hastings, Attorney for Cherokee Nation.

BETTIE McCORMICK, being first duly sworn, testified as follows
on behalf of applicants:

BY COMMISSION: What is your name? A Bettie McCormick.
Q How old are you? A I don't know my age.
Q Were you born before the beginning of the war of the rebellion?
A Yes sir.
Q What is your post office address? A Muskogee
Q Where do you live, in what nation? A I live here in Muskogee.
Q Creek Nation? A Yes sir.
Q How many children have you? A I have four boys and four girls.
Q What is your oldest child's name? A William.
Q William what? A William Rogers.
Q Does neeve r go by any other name than William Rogers? A No sir.
Q Who was his father? A His father is named Clem Dixon.
Q Were you married to Clem Dixon? A No sir.
Q Is Clem Dixon living? A No sir, he is dead.
Q He died before William was born? A Yes sir.
Q Was Clem Dixon ever known by any other name? A No sir.
Q This son, William Rogers, where was he born? A He was born in
the Cherokee Nation.
Q In what district? A Here at Fort Gibson.
Q How old is William? A William is twenty-two years old, he might
be a little older than that.
Q Was he born before the 1880 roll was made? A Yes sir.
Q Where were you living at the time he was born? A Living at
Fort Gibson.
Q How long did you live there at that time? A I stayed there -
that was my home there.
Q How many years did you stay there? A I disremember.
Q Did you stay there for several years after William was born?
A Yes sir.
Q You were living, then, in Fort Gibson, when the 1880 roll was made,
were you? A I think I was living then out here on Brushy Mountain.
Q Near Muskogee? A Yes sir.
Q That is in the Creek Nation? A No sir, in the Cherokee Nation.
Q What district is that in? A It is Brushy Mountain.
Q Did you ever live in Cooweescoowee District? A Yes sir.
Q When did you live there? A I was born and raised there with
my gran dmother
Q Is your name on the 1880 roll? A Yes sir, I think it is. It
is on the Wallace roll anyway.
Q What was your name in 1880? A Bettie Rogers.
Q Did they always call you Bettie? A Yes sir.
Q Did you ever go by any other name besides Bettie? A No sir.
Q Did you know anybody by the name of Nig Rogers? A No sir, I
don't know anyone name Nig Rogers, I know Rat Rogers.

Q How long did William Rogers, your son, live at Fort Gibson after he was born? A I carried him with me.

Q How long did you live at Fort Gibson after William was born? A I stayed there about two or three years.

Q Then where did you go to? A I went to Brushy Mountain.

Q That was still in the Cherokee Nation? A Yes sir.

Q How long did you stay there? A About four or five years.

Q Where did you go then? A Come here to Muskogee.

Q How long have you been here in Muskogee? A I have stayed here now for about a little over seven years.

Q You have lived here in Muskogee for the last seven years? A Yes sir.

Q Where is William now? A He is in Kansas City.

Q How long has he been there? A He has been there about two years or more.

Q Do you remember what year he went to Kansas City? A Yes sir, he went there year before last, after he come back here to Muskogee. Then he went back from Muskogee up to his aunt's, and when we heard from him he was back in Kansas City.

Q Year before last would be 1901? A Yes sir.

Q Had he always lived in the Cherokee Nation from the time he was born up to 1901? A No sir, he was here in the Creek Nation, backwards and forwards.

Q Had he always lived in the Indian Territory from the time he was born? A Yes sir, until now.

Q Until year before last? A Yes sir.

Q Did you ever know anybody by the name of Esther Rogers? A Not that I know of.

Q You don't know anybody by that name? A No sir.

Q You say William's father's name was Clem Dixon? A Yes sir.

Q Where was William living in 1896, when the 1896 roll was made? A Here in Muskogee.

Q This Clem Dixon, William's father, was he born before the war or after the war? A I don't know.

Q When did you first get acquainted with Clem Dixon? A Way after the war.

Q You don't know anything about him then before that time? A No sir.

Q Was Clem Dixon a state raised man? A Yes sir.

Q What state was he from? A He said he was from - I don't remember now what it was.

Q He didn't claim any rights of Cherokee citizenship? A No sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 18th day of November, 1903.

Charles W. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 10, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of BETTIE McCORMICK ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, R. R. Cravens, represented by W. M. Cravens.
For Cherokee Nation, W. W. Hastings.

BETTIE McCORMICK, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Bettie Rogers.
Q Are you married to a man named Rogers? A No sir.
Q What is your name now? A Bettie McCormick.
Q How old are you? A I don't know.
Q Are you more than 40? A I don't know.
Q You have got some children 21 years of age or older? A Have you got some children named Bertha, Henry, Clara, Hattie, Helena, O. D., Dewey, and William? A Yes sir.
Q Are they living? A Henry and Myrtle are dead.
Q When did Henry die? A A year ago, Myrtle died in February, about 3 months ago, I guess.

BY MR. CRAVENS:

- Q Where were you living in 1880? A I was living out here at Brushy.
Q Brushy Mountain? A Yes sir, I lived out there about a couple of years after I left Fort Gibson.
Q Does your name appear upon the 1880 Authenticated roll of the Cherokee nation? A Yes sir, I think it does.
Q Do you know how old you were in 1880? A No sir, I don't, I never did know my age, I never was told how old I was, I don't know.
Q Who placed your name on the 1880 roll, do you know? A I don't know who it was.
Q With whom were you living when the 1880 Roll was made? A Living with Aunt Sukie Rogers.
Q Is she living now? A No sir she died before the freedman payment.

BY MR. HASTINGS:

- Q Were you married in Arkansas? A I was married in Texarkanna.
Q That is in Arkansas isn't it? A I guess so.
Q Did you live in Fulton, Arkansas? A No sir, I didn't.
Q How far is that from Fulton? A I don't know.
Q When were you married? A I don't know sir, when I was married, I know I was married but what year it was, I don't know nothing about the year. I can't even read nor write.
Q What year is this? A I don't know.
Q You don't know when the year 1880 come, do you? A You might know it your self, I don't.
Q Was it last year? A No sir, it wasn't last year.
Q Was it two years ago? A You know it wasn't no two years ago.
Q I am asking you, you are swearing under oath? A Yes sir, I know I am.
Q Do you know when the year 1880 come? A No sir, I don't know it

- myself but when I hear others say it is come, then I know.
- Q When did you hear others say it come, 3 years ago? A No sir, it has been longer than that.
- Q How many years ago did you hear them say it come? A I disremember.
- Q How many years since the payment? A 8 or 9 years.
- Q You don't know what year you were married in? A No sir.
- Q How old is your oldest child? A My oldest child is 24 years old.
- Q Where was he born? A Fort Gibson.
- Q With whom were you living at that time? A With Aunt gukie.
- Q Rogers? A Yessir.
- Q What was her husband's name? A She didn't have any husband.
- Q Did she have any children? A Yes sir.
- Q What were their names? A A boy by name of Jim Rogers.
- Q Where is he? A I don't know.
- Q Is he living? A I don't know, I haven't seen him for a long time.
- Q Have you seen him since then? A Yes sir, once.
- Q How long after that? A William was near a year old.
- Q In what part of Fort Gibson was Aunt Sukiie living? A Not very far from 4 Mile Branch.
- Q How far from Fort Gibson was it? A I don't know how many miles.
- Q Was it as much as a hundred? A I don't know, I couldn't tell it.
- Q Your best judgment, is it as much as a hundred miles? A No sir, I don't know whether it is that far or not, I have walked it.
- Q Now under oath you are not going to give us any estimate at all of it? A I can't help what I am under.
- Q Do you think it was nearer one mile or 100 miles? A About a half mile I guess.
- Q What direction from Fort Gibson? A That direction (pointing).
- Q How long did you live there? A Several years.
- Q How many years? A I don't know how many years.
- Q Did you live there a year? A Yes sir.
- Q More than a year? A Yes sir.
- Q Your best judgment now, how long did you live there? A Over 4 or 5 years.
- Q With whom did you live before you went to Aunt gukie's? A I used to live with Miss Ruthie Rogers.
- Q Did you go from Ruthie Rogers to Aunt Sukiie's? A That was after the war I was living with Aunt Sukiie.
- Q Before the war you lived with Miss Ruthie Rogers? A Yes sir.
- Q After the war and before you went to live with Sukiie Rogers, where did you live? A That was on Spavinaw.
- Q Before you went down to Arkansas with your mother? A I never went down to Arkansas with my mother.
- Q Were you ever at Fulton, Arkansas? A No sir.
- Q Do you know Calvin McCormick? A Yes sir, I married him in Texarkanna.
- Q He appeared before the commission on October 2, 1901, and when asked this question, "Where were you married?" answered, "I was married down in Fulton," is that statement of his under oath correct or not? A No sir, it aint, I didn't marry him there.
- Q In answer to this question, "You say you married your wife, Bettie daughter of this Sarah London, down at Fulton, Arkansas," and his answer was, "Yes sir." A No sir, I didn't marry him there.
- Q Your mother upon the same date appeared before the Commission, and Commissioner Breckinridge conducting the examination asked of her this question, "You have heard him say everything (referring to Calvin McCormick) is there anything you want to correct and shew where it is wrong," and her answer was, "No sir he is perfectly right, of course he married my daughter after I went down there, after I wet down on the river," in view of what your mother swore, is that statement correct? A No sir, it aint.

- Q And in answer to this question propounded to your mother, "And did you live there in and about Fulton from the time you knew him (referring to Calvin McCormick) until he married your daughter, Bettie," answer, "Yes sir lived around there at Mrs. Adams," is that statement made by your mother correct? A No sir, it aint.
- Q Did you know a Mrs. Adams? A No sir.
- Q During this same examination your mother was asked this question, "how old was Bettie (referring to yourself) when you came and got her," answer, "I think she was about 4 years old, she was a little bit of a thing," "How old is Bettie now," "I couldn't tell you how old she was born in slave time," "Before the war," "Yes sir," now ~~xxx~~ your mother has testified under oath that she came here and got you just at the close of the war when you were about 4 years of age and took you in the neighborhood of Fulton, Arkansas, where you continued to reside and she continued to reside until after you were married, is that correct? A No sir, it is not true.
- Q Have you got a single witness that you can bring before this Commission to disprove that fact, and have you ever brought one? A Never have called on me for no witnesses, didn't have no witnesses by my mother and uncle Daniel Martin, he is dead now. If they were not dead I could get those witnesses.
- Q You haven't got a single witness that you can bring before the Commission to the effect that you were living over here in the Cherokee Nation and was not living down there as your mother stated? A No sir, but I know she didn't do it.
- Q You don't know when the 1880 Roll was made, do you? A When it was made.
- Q No? A I know when they were going around taking names.
- Q Who? A People.
- Q Who went around? A I have forgotten the names.
- Q You don't know the names do you? A I did know the names.
- Q When did you know it, last week? A No sir, I didn't.
- Q Where were you living when they took the anames? A Tahlequah, District.
- Q I thought you said you were living out here at Brushy? A When they were taking what names.
- Q For the 1880 Roll? A I wasn't.
- Q Where were you living? A In Tahlequah District.
- Q At whose place? A At Miss Ruthie Rogers place.
- Q Did she have any neighbors living around there? A Yes sir, there was people all living around there.
- Q What become of Miss Ruthie? A She is dead.
- Q When did she die? A It has been years ago.
- Q About how many years ago? A I don't know, about 8 or 9 years.
- Q Where did she die? A She died over there.
- Q Who lives on her place now? A I don't know sir.
- Q You don't know who owns it? A I don't know who owns that place
- Q Was she living on it when she died? A Yes sir, she was.
- Q When did you last see her? A It has been a long time since I seen her before she died.
- Q About how long before she died? A I don't know, I have forgotten.
- Q Who is living around her, neighbors to her? A John Ross folks, his mother.
- Q What was her name? A Not John Ross's mother, John Ross's folks.
- Q Was John Ross a freedman? A Yes sir.
- Q Was he a married man? A No sir.
- Q What was his folks name? A Angeline, Lizzie.
- Q You met them in Muskogee here? A No sir, I didn't neither, I met them over there.
- Q When did you know them over there? A Years ago.

- Q You can't get a one of them to come over here and identify you?
A No sir, I don't know, I aint tried.
- Q What kind of a house did Ruthie live in? A In one of these log cabins.
- Q Did she have a farm? A I disremember now.
- Q Have any orchard connected with the house? A Yes sir.
- Q Was it upon a hill or down on the creek, or how? A Wasn't no creek.
- Q Get water at a well or spring? A Spring.
- Q What direction was the house from the spring? A I have done forgotten.
- Q Now where did Ruthie get you? A She raised me.
- Q You say you just lived with her about 4 years? A She raised me, I was born right on Spavinaw, she told me who my mother was.
- Q You said you lived with her about 4 years? A Did I say I lived with Miss Ruthie 4 years.
- Q How long did you live with your Aunt Gukie? A Over 4 or 5 years.
- Q Now then you didn't live with Aunt Ruthie after the war? A I lived with Miss Ruthie raised me up until I was a good big girl.
- Q Where did she live? A Moved from Spavinaw down to Four Mile Branch, and from there over to Tahlequah.
- Q When did she die? A I don't know exactly how many years.
- Q Were you living with her when she died? A No sir, I wasn't because she died since the war.
- Q When did you quit living with her and how old were you then?
A I don't know.
- Q About how long after the war? A I don't know, for a long time.
- Q About how long? A I don't know about how long, we stayed there until, -----
- Q Can't you give us some sort of judgment, how old were you when you left? A I don't know how old I was, how in the name of God can I tell you how old I was.
- Q Were you 5? A No sir, I don't know how old I was.
- Q Were you 25? A I don't know.
- Q Were you nearer 5 or 25 when you quit living with her? A I don't know, I know who I was living with, I knew I wasn't living with my mother, Miss Ruthie told me who my mother was.
- Q I am trying to get you to tell how old you were when you left Aunt Ruthie's? A I don't know, if I could guess and know I was telling the truth about it.
- Q Don't you know if you know anything at all you can give us some sort of an estimate as to whether you were nearer 5 or 25? A I know this much, I was big enough to tote in wood and water and wait on my mistress.
- Q Did she have any children? A Yes sir.
- Q What were their names? A One named Elizabeth.
- Q Is she living? A I don't know.
- Q Was she ever married? A Married Mr. Martin.
- Q Where did she live? A Up there about Nowata.
- Q You have never attempted to get her before the commission to testify? A When I talked about getting her they said she was dead.
- Q Did Aunt Ruthie have any more children? A All of them were girls, they are dead, they are.
- Q What were their names? A Lets see, Elizabeth, --I have forget these girls names.
- Q Done forget them haven't you? A I disremember the other names.
- Q How far did Aunt Ruthie live from Fort Gibson? A I don't know how many miles.
- Q About how many? A I don't know.
- Q Did she have a husband? A Old Mr. Lewis Rogers, he died.

- Q When did he die, was he living at the time you were living with her? A No sir, he died.
- Q Did he die before the war? A In the time of the war or before it one.
- Q You don't remember him? A Yes sir, I do remember him, I can remember who he was, but the time he died I disremember.
- Q Were you born before the war? A I was told I was born before the war.
- Q How long after the war did Aunt Ruthie die? A Here not so long ago.
- Q Well, the next year after the war? A No sir.
- Q About how many years after the war? A I don't know, I have forgotten.
- Q Was your child William born when Ruthie died? A That boy was never born until long time after the war.
- Q I am not talking about the war I am talking about Ruthie's death? A I can't remember what date she died.
- Q How long had she been dead before William was born? A For years.
- Q As much as 20 years? A Yes sir, it might have been.
- Q That is as near as you can come at it? A Yes sir.
- Q Then she died sometime in the 60's, maybe 1862 or 1863? A I don't know nothing about that, about 1863.
- Q Where did she die? A She died over there at our home.
- Q On Fourteen Mile Creek? A Yes sir.
- Q Were you present when she died? A No sir, I wasn't.
- Q Where were you then? A Down at Fort Gibson.
- Q With whom were you living then? A With Aunt Suki Rogers.
- Q Did she live in town? A No sir, she didn't.
- Q How far did they live from Ruthie, how far did Ruthie and Suki live apart? A Aunt Suki was down here close to Fort Gibson, and she out there on Four Mile branch.
- Q How far was that apart? A I don't know, I never measured it.
- Q About how far is Four Mile branch from Fort Gibson? A I don't know, just know when I come on the road when I am going backwards and forwards.
- Q The road leads out there? A Yes sir, I told you just what I know and what I don't know, I aint telling you.

ON BEHALF OF THE COMMISSIONER:

- Q Is Jim Rogers the son of Suki Rogers? A Yes sir.
- Q Is he living? A I don't know sir whether he is living or not.
- Q Do you know whether he was older or younger than you? A No sir.
- Q Suki Rogers was dead about the time of the strip payment? A Yes sir.
- Q You think she placed your name on the roll of 1880? A I don't know sir.
- Q Do you think that you were living in her family in 1880? A Yes sir, I guess I was.
- Q Did she have any other children besides Jim? A No sir.
- Q Just the one child? A Yes sir.
- Q You never did hear about Jim dying? A No sir, never heard anything about it.
- Q Aunt Suki, is that her right name? A Yes sir.
- Q Is she a freedman or Cherokee? A Freedman.
- Q Did she always draw money from the Cherokee Nation? A No sir, she didn't draw money, she died.
- Q I mean before she died? A You mean what they called the bread money.
- Q She was recognized as a Cherokee freedman? A Yes sir, I guess she was.
- Q Did she ever have any other name besides Rogers? A Yes sir.
- Q Is that the way you got your name of Bettie Rogers by living with her? A No sir.

- Q How is that? A From Rogers my owners, their names were Rogers.
 Q Then you think Suki Rogers lived in Tahlequah District in 1880, do you? A Yes sir, I knew she did.
 Q Can you give us any idea about how old you are? A No sir, I can't give no idea about how old I am. My mother said she didn't know, she claims I was about 4 or 5 years old, she don't know a thing about it.
 Q Have you any brothers older than you? A No sir, I am the oldest child.
 Q Can you read and write? A No sir.
 Q Did you ever know anybody named Jennie? A Jennie what.
 Q Anybody ever connected with your family named Jennie? A A woman see, no Jennie McCormick.
 Q Was there a Jennie connected with the family you lived with, an old woman probably dead several years ago? A Not that I know of might have been but I have forgotten it.
 Q Could there have been any other name by which you could have been placed on the roll of 1880 besides Rogers? A I don't know, no sir, I didn't have any other name. Never did go by any other name until I married.

The Authenticated 1880 Roll of citizens of the Cherokee Nation examined and the name of the applicant can not be identified thereon, nor can the name of Suki Rogers, with whom she claims to have lived in 1880 be identified on said roll.

BY MR. CRAVENS:

- Q Did you live with Suki Rogers in 1880? A Yes sir.
 Q Was she an Indian or nigger? A She was a nigger.
 Q You say at the close of the war you were a small girl just about old enough to carry in water? A At the close of the war, I wasn't no bigger than that.
 Q That is what I am asking you? A I was big enough to tote water and wood in slavery.
 Q Slavery lasted up until the close of the war? A At the close of the war I was a pretty good size girl, big enough to tote water and wood and wait on my mistress.
 Q Have you any idea at all how old you were in 1880? A No sir.
 Q Were you ever called Betsy Dixon? A No sir, I never was called no Betsy Dixon.
 Q What names have you had? A No name but Betsy Rogers outside of this McCormick.
 Q Wern't you ever called London? A No sir, my daddy wasn't no London.
 Q Did they ever call you that? A No sir, nobody never called me that as I knew of, cause I aint no London.

The attorney for the applicant, and the attorney for the Cherokee Nation announce that they have no further testimony to introduce in this case, and the same will be closed, and a decision prepared on the evidence heretofore introduced.

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of August, 1905.

George H. Lessley
Myron White
 Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, NOVEMBER 14, 1900.

In the matter of the application of Sarah London for the enrollment of herself and children as Cherokee Freedmen, Cherokee Freedman D. 652.

The testimony in this case shows that Sarah London was the slave of Lewis Rogers, a Cherokee citizen. Her testimony and the testimony of Ben Grimsitt, David Martin, shows that she returned to the Cherokee Nation within six months of the treaty of 1866, which would entitle herself and her children to enrollment.

This we respectfully submit.

Lawrence Rutherford & Company
Attorneys for Applicants.

Receipt is hereby acknowledged of a copy of the above and foregoing brief.

Dated at Tahlequah, Indian Territory, December _____, 1905.

Attorneys for Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, NOVEMBER 18th, 1900.

In the matter of the application for enrollment as Cherokee Freedmen of Bettie Rogers, now Bettie McCormack, and her eight children, William, Bertha, Henry, Clara, Hattie, Helena, Odee and Dewey, Cherokee Freedmen D-652.

In behalf of these applicants for enrollment, I wish respectfully but earnestly to submit that the undisputed testimony in this case shows that Bettie McCormack, formerly Bettie Rogers, the mother of the other applicants herein, was born in the Cherokee Nation, the slave of Lewis Rogers, who was a well known and recognized Cherokee citizen. She was born in the Cherokee Nation a few years prior to the beginning of the war of 1861, and remained a slave of the Rogers family and in the Cherokee Nation until emancipated by law, and until after the close of the war in 1865.

I do not deny that in the testimony in this case, there is great discrepancy in some points, but, on the legal question involved in the right of Bettie McCormack and her children to be enrolled as Cherokee Freedmen, there is and can be found no dispute or discrepancy whatever.

What are the conditions necessary to entitle these colored people to enrollment as Cherokee Freedmen? First, they or those from whom they descended must at the beginning of the war of 1861 have been the slave of some Cherokee Indian of the Cherokee Nation, residing in the Cherokee Nation on the 19th of July, 1866.

Second, if at the date of the treaty of 1866 between the United States and the Cherokee people, they were absent from the Cherokee Nation, they must return within six months from the date of the ratification of that treaty.

Now, we insist that Bettie McCormack was in that class of Cherokee slaves first named; that is, she was the slave of a Cherokee and a resident of the Cherokee Nation at the date of that treaty, July 19th, 1866.

Can any reasonable person read this testimony and have any doubts about the fact that Bettie McCormack was the slave of a Cherokee and a resident of the Cherokee Nation at the date of that treaty, July 19th, 1866?

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born a slave of Lewis Rogers, and that he was a Cherokee Indian, residing in the Cherokee Nation at the date of his death, which occurred just before or during the war of 1861, and after his death that she remained the slave of his heirs until emancipated.

There is no controversy or dispute of discrepancy in the testimony on this point, and I think it can be set down in this case as a fact or point settled.

Bettie McCormack herself testifies that she was born a slave of Lewis Rogers, in the Cherokee Nation. Her mother, Sarah London, swears to it also, and further that Sophie Rogers, the grand-mother of Bettie McCormack, was the slave of Lewis Rogers, a Cherokee. The testimony is further to the effect that Bettie McCormack was a small girl when the war began, and that when her mother was sold, she, Bettie McCormack, was left behind with her former owners, while her mother was taken off to Arkansas by Crabtree, who had bought her.

The testimony also shows that Bettie McCormack never left the Cherokee Nation, until after the war, and several years after the war, but remained all the time with her Cherokee relatives and the family of her former owner until many years after the war.

We are not, therefore, in this case embarrassed with any question or dispute as to whether Bettie McCormack returned within six months after the ratification of the treaty of July 19th, 1866, for until after the ratification of that treaty she had never been out of the Cherokee Nation, so we think there is no evading the question of the right of Bettie McCormack and her children to be enrolled as Cherokee Freedmen, and this we respectfully submit to this Honorable Commissioner.

And we further submit that Bettie McCormack, formerly Bettie Rogers was enrolled upon the roll of 1880. The name of Bettie Rogers is found upon that roll. No other Cherokee Freedmen appears to claim or appropriate that name, and it is a well established principle of law that from identity of name the presumption of identity of person arises.

Besides, Bettie McCormack testifies that she was placed on

the roll of 1880, all of which is respectfully submitted.

Cravens Rutherford + Cravens
Attorneys for applicants.

Receipt is hereby acknowledged of a copy of the above and foregoing brief

Dated at Tahlequah, Indian Territory, December _____, 1905.

Attorneys for Cherokee Nation.

Fort Smith, Ark., June 9, 1906.

Hon. Secretary of Interior,
Washington, D.C.

In the matter for the application for enrollment as Cherokee Freedman of Bettie Rogers, now Bettie McCormack and her eight children, William, Martha, Henry, Clara, Hattie, Helena, Odessa and Dewey, Cherokee Freedman D-662.

In behalf of this particular family, I wish to call attention especially to the fact of the difference in status between this family and the family of Sarah London, this case being consolidated with that of Sarah London. Bettie McCormack is the child of Sarah London who was the slave of Lewis Rogers, a Cherokee Indian residing in the Cherokee Nation. The testimony shows Sarah London, the mother of Bettie ^{McCormack} London, was sold before the war by her owner, Rogers, to one Crabtree. When Sarah London was sold as the testimony clearly shows her child Bettie McCormack was not sold but remained in the Cherokee Nation a slave in the Rogers Family until after the close of the war and until after the ratification of the Treaty of 1866. She remained a slave in the Rogers family until emancipated by the proclamation of President Lincoln. Bettie McCormack was born in the Cherokee Nation and when her mother Sarah ^{was} sold to Crabtree, Bettie was a girl grown to considerable size, large enough to be separated from her mother and large enough as she testifies to carry wood and water and wait upon her mistress when the war began. The war lasted four years so that as its close she must have been ten years of age at least. She remained in the Cherokee Nation with her Aunt Sukey until she was grown and until her first child William was born which would certainly locate her within the Cherokee Nation at and long after the ratification of the Treaty of 1866, so that whatever may be the right of Sarah London, the mother, the right of Bettie McCormack and her children was fixed by the Treaty of 1866 as a Cherokee Freedman.

These people may be entirely ignorant as to dates and years and periods of time but they know when occurrences take place. Bettie McCormack knows when and where William, her first child was born. She swears that he was born at Fort Gibson in the Cherokee Nation some time after the war and that she had never been out of the Cherokee Nation until after that time. She had grown to woman-hood and mother-hood before she left the Cherokee Nation and this distinction of Bettie McCormack and her children and the status of her mother, Sarah London, seems to have been overlooked by the Honorable Commission of the Five Civilized Tribes in refusing en-

in no way to Bettie McCormack and her children

Bettie McCormack until after her marriage with a man by the name of McCormack retained and was known by the name of Bettie Rogers, she retaining the name of her former owner. Bettie testifies that she was enrolled upon the Cherokee roll of 1880; the name of Bettie Rogers is found upon that roll of 1880; no other Cherokee Freedman has appeared to claim or to appropriate that name.

It is a well established principle of law that identity of person is presumed from identity of name. In support of this proposition I refer to the case of Jackson vs King reported in 5th. Cowen New York reports, page 257. This proposition is decided as well in the case of Garrett vs State 76 Ala. 18, in Lee vs Murphy 119 California 364 and also by the supreme court of Georgia, Indiana, Maine, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Pennsylvania, Texas, Vermont and Washington.

Taking this presumption of the law arising from the identity of names, with the testimony of Bettie Rogers that she was enrolled upon the rolls of 1880 we think that there can be no question but that Bettie McCormack was not only the slave of a Cherokee Indian, residing in the Cherokee Nation at the commencement of the war and continuing to reside there until after the Treaty of 1866, but she was also enrolled upon the roll of 1880, and she and her children, above named, ought certainly to be enrolled as Cherokee Freedman.

All of which is respectfully submitted. This case was consolidated with the case of Sarah London and will doubtless be found reported with that case by the Honorable Commission of the Five Civilized Tribes.

Very respectfully,

Wm H. Craver

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of BETTIE MCCORMICK, ET AL., as Cherokee Freedmen, C. F. D. No. 652.

Argument on behalf of the Cherokee nation.

The attorneys for applicants have served the attorneys for the Cherokee Nation with quite a lengthy brief and argument in support of the claim of applicants to be enrolled as Cherokee freedmen. All of the applicants, except Bettie McCormick, must depend upon Bettie McCormick for their rights in the Cherokee Nation, and we will therefore discuss the testimony as applied to Bettie McCormick.

Applicants' attorneys insist that the undisputed testimony shows that Bettie McCormick was formerly Betsy Rogers and was born in the Cherokee Nation and was at the time of her birth the slave of Lewis Rogers who was a recognized citizen of the Cherokee nation. They further contend that the testimony shows that she was born a few years prior to the war of the Rebellion and remained a slave of the Rogers family in the Cherokee nation until emancipated by law and until after the close of the war in 1865. Bettie McCormick is not found upon the 1880 roll, nor does the testimony offered by Bettie McCormick show that she is one and the same person as the Betsy Rogers she seems to be seeking to impersonate. The testimony is not sufficient in our judgment to identify the principal applicant in this case as being Betsy Rogers. On the other hand, it is clearly shown by competent testimony that Bettie McCormick and her mother left the Indian Territory and lived for many years at or near Fulton, Arkansas, and that Calvin McCormick married his wife, Bettie, who is the principal applicant in this case, at or near Fulton, Arkansas, at least in the State of Arkansas.

The attorneys for applicants say that there are two conditions necessary for the applicants to be enrolled as Cherokee freedmen. We agree that there are at least two, the first being that the applicant must have been a slave of a Cherokee citizen residing in the Cherokee Nation at the breaking out of the Rebellion and must have and must have remained in the Cherokee Nation during the war or, second, if the principal applicant was a slave of a citizen of the Cherokee Nation residing in the Cherokee Nation at the breaking out of the war and left the Cherokee Nation during the war, in order to acquire rights as a freedman citizen she must have returned to and taken up her residence in the Cherokee Nation within six months after the date of the ratification of the treaty of 1866, or third, she must have been a free colored person residing in the Cherokee Nation at the beginning of the Rebellion and remained in the Cherokee Nation during the said rebellion or, if she left the Cherokee Nation during the rebellion, she must have returned to the Cherokee Nation and taken up her permanent residence therein within six months after the date of the ratification of the treaty of July 19, 1866.

Now we contend that the principal applicant in this case does not come within either of the conditions precedent to acquiring citizenship as a freedman in the Cherokee Nation. We contend that she is not a Cherokee freedman and that she has failed, first, to show that she was a slave of a Cherokee citizen residing in the Cherokee Nation at the breaking out of the rebellion, or that she was a free colored person residing in the Cherokee Nation at the breaking out of the rebellion, or, second, the testimony fails to show that she returned to the Cherokee Nation within six months after the date of the ratification of the treaty of 1866 and establish her residence therein. Calvin McCormick, the husband of the principal applicant in this case, testifies that he is 32 years of age and that he first got acquainted with his wife, Beatie, in Fulton, Arkansas, where she was living at that time and where she had been living for some time prior to his marriage. He also testifies that he knew Sarah London, his wife's mother, in Fulton, Arkansas, prior to the date of his

marriage to Bettie and that his wife first came to the Territory about the time of the payment of the strip money five or six years ago, that he did not remember the year of his marriage, but that his oldest child was 18 or 19 years old, and that he was married to Bettie, his wife, prior to the birth of that child, and that Sarah London and her husband, Ed London, lived in Fulton, Arkansas, and were keeping house there and lived there until after their marriage and until after their first child was born, and that he and his wife Bettie had been married about twenty years. This, we think, shows conclusively to any fair, reasonable and unbiased mind that Bettie McCormick was not a slave as contended by her of a Cherokee citizen in the Cherokee Nation at the breaking out of the Rebellion, and that she did not continue to reside in the Cherokee Nation after the war and establish a residence therein within the provisions of the treaty of 1866.

We, therefore, respectfully submit that the facts shown by the principal applicant are not sufficient to entitle her to be enrolled as a Cherokee freedman and that this application should be denied.

Respectfully submitted,

Attorneys for the Cherokee Nation.

Copy

Cherokee Freedmen D 452.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of BETTIE
McCORMICK ET AL., as Cherokee Freedmen.

Reply of the Cherokee Nation.

In reply to the argument filed by William M. Gravens on behalf of Bettie McCormick and her minor children, we desire to say that the testimony in this case shows that Bettie McCormick, nee Rogers, was born some time about the beginning of the Civil War. The exact date of her birth is not shown, but the testimony conclusively shows that her mother, Sarah London, was sold out of the Cherokee Nation to a man by the name of Crabtree in about the year 1858, and the witnesses who testified as to the sale of the mother of Bettie were not inquired of as to Bettie, whether she accompanied her mother, which was probable, because if she was born at that time she would have been quite small indeed, because she is given to be about 40 years old when she testified in August, 1905, and if she were as much as 47 at that time she would have been born about the time her mother was sold out. Of one thing, however, we are certain, and that is she does not show herself in the Cherokee Nation by no witness outside of herself and her mother prior to during the payment which was given some five or six years before 1901. While of course she testified that she had always lived in the Cherokee Nation, which of course we expect of all of these freedmen applicants, yet her former husband, Calvin McCormick, appears upon the stand on October 2, 1901, and testified that he had been married to this woman and that their oldest child was then 18 or 19 years of age. Assuming, for the sake of argument, that it was 18 and that they were married a year prior to the birth of this child, that would have made them have been married about the year 1881.

Now, Calvin McCormick testifies positively that he was reared in the vicinity of Fulton, Arkansas, and that he knew Bettie, her mother and step-father, and that he knew them some three years before he married Bettie. He was asked:

"Q Where was she living when you first knew her? A She was living in Fulton."

"Q Arkansas? A Yes sir."

Q What was her husband's name? A His name was Ed London."

"Q You knew her three or four years before you married her daughter?
A Yes sir."

If this be true, and if he married her as he stated in about the year 1881, then he knew Bettie from about 1877 or 1878, or anyway as far back as 1879, and she was then a resident of Fulton, Arkansas. Again, it will be noted that Bettie had a child when she and McCormick were married and if they were married in 1881, the child must have been born in all probability prior to 1880 and therefore she had a child living in 1880. We call attention to these facts because she claims to be enrolled upon the 1880 roll, and if the testimony of McCormick is true, which is admitted by Sarah London, to the effect that they were married in about 1881 and that he knew her three or four years before that, then Bettie was living in Fulton, Arkansas, and was not living in the Cherokee Nation, and Bettie also had a child born to her in 1880, this William Rogers, and if she had been enrolled upon the 1880 roll her child who was then in existence would also have been enrolled. But lets examine the testimony of her mother a little further. Sarah London on October 2, 1901, when called to the stand after McCormick left it, after attempting to testify that Bettie had been left in the Cherokee Nation during the war, and that she came up afterwards and got her, this question was asked her:

"Q How old was Bettie when you came and got her? A I think she was about four years old. She was a little bit of a thing."

Later on when being interrogated about taking Bettie away she said:

"Q Well, how long before the war was it Betsy was born? A I don't know how long it was; Betsy was a child; she was about that high (indicating) when I taken her away from here."

"Q. When you took her with you? A Yes sir.

"Q You mean about four years old? A I reckon she was."

Now then it will be seen from the testimony that this woman was sold out in 1858. If Bettie was born prior to that time it might be that she was referring to the time that she was sent to Grubtree before the war that Bettie was taken with her and was then about four years of age. But if she had reference to after the war it must have been before the war closed or else Bettie would have been older. At any rate we are trying to impress upon the Department that Bettie was out of the Cherokee Nation

from either just before the war, during the war or immediately after the war for a period of thirty or thirty-five years, or until the time of the payment some five or six years before she made her application. Now, if it was the payment made to freedmen, that was made in 1897, and her mother testified that Bettie never came back to the Cherokee Nation after she took her out of it, after she was about four years of age, until 1897, and her mother testifies that she married McCormick at Fulton, Arkansas, as does McCormick--corroborates him in every particular; so that the testimony is clear and unmistakable that Bettie was not in the Cherokee Nation within fifteen years of the time of 1880 roll was made. There is no evidence that she was ever in the Cherokee Nation after the war until some five or six years before she made this application, because if she was born a slave of Lewis Rogers prior to the time her mother was sold in 1858, and her mother admits being sold, admits what all of the witnesses on behalf of the Cherokee Nation testified, and if Bettie was a little thing when she took her out, not more than four years of age, then she must have returned about the beginning of the war and took Bettie to Fulton, Arkansas, with her. Henry C. Lowery testified that Sarah London came to his neighborhood in Canadian District about the year 1884 or 1885 and McCormick testified that he had been married to this woman some three or four years when Sarah left and came to the Cherokee Nation, so that this tends to show that they were married in about the year 1881.

In the presence of Sarah London, J. F. Van Hoy and R. L. Martin were placed upon the stand, who testified as to her sale prior to the war and Sarah London, the mother of Bettie, was afterwards called to the stand and she admitted the truthfulness of the statement.

In the light of this testimony the commissioner to the five civilized Tribes very properly held that Bettie Rogers was not enrolled upon the Cherokee authenticated roll of 1880. She was in Fulton, Arkansas, at that time and had been, according to the testimony of her mother, fifteen or twenty years, and according to the testimony of her mother and her husband, remained there fifteen or twenty years after that time, and it could not therefore have been her name upon the roll of 1880. The same

of Rogers is a very common one in the Cherokee Nation, but this Bettie Rogers not being here could not have been enrolled.

Even if she had ever been entitled to citizenship in the Cherokee Nation, or even if she had been enrolled in 1880 as a freedman citizen of the Cherokee Nation, under the testimony of her mother and of Calvin McCormick, she would not now be entitled to enrollment in the Cherokee Nation, because it is admitted about the year 1880 she married a citizen and resident of the State of Arkansas, and that she continued to reside in the State of Arkansas with her husband until the payment which as a matter of history we know was made in 1897, or a period of seventeen years, and not having any property in the Cherokee Nation, if she lived without the limits of the nation for that length of time, her residence followed that of her husband, and she would have forfeited any rights she may have had in the Cherokee Nation if she had ever had any, and would not therefore be entitled to be enrolled as a freedman citizen of the Cherokee Nation. See case of Catherine Mix decided by the Department May 21, 1906 (I.T.D. 9556-1906).

But we think the testimony conclusively shows that either Bettie Rogers was taken with her mother at the time she was sold out, which is the more reasonable theory, or if her mother did ever return for her when she was some four years of age, we think that was about the beginning of the war and that therefore Bettie never lived in the Cherokee Nation there after until about the time of the payment, or about 1897, as testified by Sarah London and Bettie McCormick. Taking that view of the case she never acquired any rights, was never enrolled, was never entitled to be enrolled, and is clearly now not entitled to be enrolled as a freedman citizen of the Cherokee Nation.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

26-06

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for the review of the decision of the Secretary of the Interior in the case of Bettie McCernick, et al.

Reply of the Cherokee Nation.

We have heretofore briefed this case, and the records show that the applicants were denied, and that the decision of the Commissioner to the Five Civilized Tribes was affirmed by the Secretary of the Interior on January 12, 1907, (I.T.D. 362-1907).

All of the questions raised by the attorney for applicants in the new motion were answered by the Commissioner of Indian Affairs in his letter transmitting this case to the Secretary of the Interior on January 7, 1907 (Land 64850-1906), and we respectfully submit the case by respectfully requesting that reference be made to said letter.

Respectfully submitted,

Attorney for the Cherokee Nation.

Muskogee, I. T., Feb. 11, 1907.

Service of a copy of the above accepted this February 11, 1907.

Attorneys for Applicants.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-652.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JH*

peg
Muskogee, Indian Territory, August 8, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment, as Cherokee freedmen, of Bettie McCormick, et al., you are advised that, at the request of Wm. M. Cravens, attorney for applicants, an opportunity will be given the applicant to appear before this office at nine o'clock A. M. on Thursday, August 10, 1905, and introduce such testimony as she desires tending to prove that her name is on the 1880 authenticated Cherokee tribal roll.

The Cherokee Nation will also be permitted to appear on that date and introduce, in rebuttal, such testimony as it desires in this case.

Respectfully,

W. O. Beall

Acting Commissioner.

LS

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-652.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

JH

Muskogee, Indian Territory, August 14, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony of August 10, 1905, taken in the matter of the application for enrollment, as Cherokee freedmen, of Bettie McCormick, et al.

Respectfully,

W. O. Beall
Acting Commissioner.

LS

Incl. S-23

CRAVENS & CRAVENS
ATTORNEYS AT LAW

FORT SMITH, ARK. June 9, 1906.

Hon. W.W.Hastings,

Attorney for the Cherokee Nation,

Tahlequah, I.T.

Dear Sir:

I enclose you copy of an argument I wish to submit to the Secretary of the Interior on the application of Bettie McCormack and her eight children, William, Bertha, Henry, Clara, Hattie, Helena, Ododee and Deway as Cherokee Freedman. Please do me the kindness to acknowledge the receipt of the copy so that I may file it with the Secretary of the Interior.

Yours truly,

Wm M Cravens

Cravens & Cravens

ENGLISH BLOCK
Attorneys at Law

Muskogee, E. T., February 6th, 1907.

Hon. Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:

I am advised by the Honorable Commissioner to the Five Civilized Tribes of the decision of your office, denying the application of Betty McCormack and her children, Henry, Bertha, Clara, Mattie, Helena, Odee and Dewey McCormack, to be enrolled as Cherokee Freedmen.

This case was consolidated with that of Sarah London, and her children, and I fear has not been fully considered, as disconnected from the case of Betty's mother, Sarah London; she does not claim through her mother, but acquires her right by reason of having been a slave of a Cherokee citizen; born and raised in the Cherokee Nation, and living there at the time of the treaty of 1866, she and her children claim under the provisions of the ninth article of that treaty.

In order to deprive these people of their just legal rights, resort is had to the provision of section two, article one, of the constitution of the Cherokee Nation. This article provides that:

"Whenever any citizen shall remove with his affects out of the limits of this Nation, and become a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease."

A few years after the treaty of 1866, Betty, then a girl, left the Cherokee Nation for a time, but with the purpose of returning,

and never with any purpose to renounce herself or to become a

Cravens & CravensENGLISH BLOCK
Attorneys at Law

Hon.C.of I.F.#2.

Muskogee, T. T.,

citizen of any other government, and we insist, that in order to bring her within this provision of the constitution, she must leave her country, not temporarily, or to hunt work, and without any purpose to return, and, in addition, must become a citizen of some other government, and the burden, we insist, is upon the party who would deprive these people of rights already acquired and by law vested in them, to show all the conditions necessary to take their rights away from them; they must show, not only that she left her country, but that she acquired citizenship in some other government.

In this case it is shown that she always had the intention to return, and claimed the Cherokee Nation as her home, and no effort is made to show that she acquired citizenship in some other government.

Now, because we are so thoroughly convinced of a gross injustice, unintentionally done these poor people, we ask you to further consider their application and submit same to the Honorable Secretary of the Interior, with such recommendations as your careful consideration will authorize you to make.

Very respectfully,

Cravens & Cravens

Cher Fr D 653

Cher Fr D 653

Department of the Interior
Commission to the Five Civilized Tribes,
Cholson, I. T. June 10th 1901.

In the matter of the enrollment of Tomotiah Holt, her son, known as a Cherokee Freedman; she being sworn by Commissioner T. B. Hodges, testified as follows:

Mellette & Smith attorneys for the applicant:

W. W. Hastings for the chorale nation.

Examined by Cmtg Needles

Q What is your name? A. Teousah Hall.

Q What is your age? A. About 50.

Q What is your post office address? A, Vinita.

Q In what district do you live? A. Georgetown.

Q Do you want to be enrolled as adherentes Froedman? A Yes sir.

Q. Have you ever applied to be enrolled as a freedman of any other tribe or Nation? A. No sir.

Q Who do you want to have enrolled besides yourself? A. Just myself.

Q Have you been recognized by the authorities of the Choctaw Nation as a Cherokee freedman? A. I guess not.

Is your name on any of the rolls of the Cherokee Nation? ☐ Yes ☒ No

Q Never drew any money from the Nation? A. No Sir.

Q What is your father's name? A. They tell me he was named Fox Holt.

Q What is your mother's name? A Mother Holt.

Q Is she living? A. Yes sir.

Are you a brother of Joshua Bell? A. Yes sir.

Q Where were you born? A. In Flint district.

Q. Were you a slave? A. Yes sir.

Q To whom did you belong? A William and Nellie Holt.

Were they Cherokee citizens? As you say,

Q. Were you taken out of the Hiroshima Station during the war? A. Yes sir.

WABCO Lot A, Port Scott Kansas.

When did you return after the war to the Cherokee Nation? A. To Big Creek Cherokee Nation.

1962-1963

Have you lived here ever since? A. Yes sir.

Are you married now? A. Yes sir.

Who is the mother of the boy William Hall you wanted to apply for and
 who is now of age? A white woman

Weren't you ever married to him? A. Yes sir.

March 14, 1974

Where? A. In New York, Kansas.

Have you a certificate of your marriage? A. No sir, I have it, I have

Where was your son William Hunt A. on Cedar Creek?

Has he always lived in the Cherokee Nation? A. Not all the time, he
works out some

Where is he now? At [redacted]

Is he living there now? A. Works there.

Q. Did you ever work in Hanson yourself? A. Yes, sir.

How long did you live in Kampong A. I have worked there 2 or 3 months
at a time.

WHE: And you come here with the 1967 A. Will my mother, Mother Holt.

APR 11 1964

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Were you born a slave? A free man?

Q Do you remember when you went back to the Shastan Patient after the first A. E. I thought a little something about it, just that it was

Helt 2.

in '86.

Q Who did you come here with? A. Uncle Andy Dougherty and my mother and two brothers, Jim and Joshua.

Q Are you a descendant of Master Helt who applied for enrollment this morning? A. Yes sir.

Q And a brother of the Joshua Helt who applied this morning? A. Yes sir.

Q Where do you live now? A. At Vinita.

Q How long have you lived there? A. Since 1888.

Q Are you married? A. Have been

Q When were you first married? A. In '78.

Q Where did you marry then? A. In Sewage,

Kansas? A. Yes sir.

Q Do you remember when it was that you first went out of the Indian Territory after you became big enough and after you had come back with your mother and brothers to the Cherokee Nation? A. Yes sir it was in the winter of '74.

Q Where did you go then? A. To Sewage Kansas.

Q Was that the time you were married? A. No sir that was before I was married.

Q Before? A. Yes sir.

Q What business or work did you follow there? A. Making mortar and carrying brick

Q A day laborer? A. Yes sir.

Q You were in Kansas in '74? A. Yes sir in the winter.

Q How long did you stay there before you came back to the Cherokee Nation? A. I went there in December or January and I lived there until the 24th of March '75.

Q You were there how many months? A. A little over 3 months.

Q Where did you come from there? A. Went to Parsons then and staid a months.

Q Where did you come from is what I asked? A. The Cherokee Nation.

Q Did you work in Parsons? A. No sir.

Q When did you next come back to the Cherokee Nation? A. I staid there a month and come back and worked on the road.

Q What road? A. The rail road, the M. K. & T.

Q How long did you work on the rail road? A. 2 or 3 years, not steady, but most of the time.

Q What were you doing on the rail road? A. With the section gang.

Q Where was your head quarters then? A. Parsons Division run from Parsons into the Territory.

Q Where did you next go out of the Cherokee Nation after that? A. I have been out several times since then, but I have never lived outside of the Territory; have never owned anything out of the Territory.

Q What have you in the Cherokee Nation? A. Nothing but a farm on the Public Domain.

Q How long have you had that farm? A. 3 or 4 years.

Q Did you ever own any other farm prior to that? A. Yes sir, the first one was 2 or 3 years ago, and there was a man claimed it and I gave it up.

Q Did you ever own any before that? A. No sir that is all the farm land I ever owned.

By Hastings:

Q You were in Fort Scott Kansas during the war? A. Yes sir.

Q And your mother was named Master Helt? A. Yes sir.

Q Do you know Jim Parsons? A. No sir.

Q Never saw him in Fort Scott Kansas? A. No sir.

Q Do you know Simon McHenry? A. No sir.

Q Never saw him in Fort Scott? A. No sir not as I know of.
 Q You were old enough to remember years when you first came down here?
 A I measured the years when I heard them said by anybody.
 Q It is the only way you know when you came back is it? A. Yes sir.
 Q What time of the year did you come down? A. Warm weather.
 Q In August? A. Yes sir I think so.
 Q Your mother testified that you came with Andy Daugherty? A. Yes sir
 Q In a wagon? A. Yes sir.
 Q And Andy had a house already when you came? A. Yes sir.
 Q Who were some of his neighbors? A. Martha Daugherty, Robert Johnson, Anderson Johnson, ~~Anderson Johnson~~.
 Q Was Peter Ward there? A. I never need him.
 Q You got acquainted with him afterwards? A. Yes sir.
 Q Andy Daugherty had a place there at that time did he? A. Yes sir.
 Q Had he a crop of corn in? A. Yes sir, a little.
 Q You remember he had some? A. Yes sir.
 Q How long had Andy been there when you came? A. I don't know.
 Q As much as two years? A. I don't know.
 Q Never told you that he had been there that long did he? A. No sir.
 Q Had he been to Fort Scott before that? A. He never lived at Fort Scott.
 Q You never saw him at Fort Scott during the war? A. No sir not till he came for us.
 Q Did your father come with you? A. No sir.
 Q You all moved into Andy's house? A. Yes sir.
 Q You and your mother and brothers didn't live off in a separate house?
 A. No sir.
 Q Just lived in the same house? A. Yes sir.
 Q What did you do for a living? A. Lived on what we could get.
 Q Did you work for anybody? A. No sir, worked for uncle Andy some but didn't get paid for them, didn't go out to work for anybody else.
 Q Did you ever work for any one else after that while you were living there? A. Yes sir.
 Q Went to making ties for some timber men.
 Q How long was that after you came down there? A. 3 or 4 years.
 Q Was that the first work you did after you came down here? A. First that I got paid for.
 Q Did your brothers work for your uncle when you did? A. He wasn't there he was off at work.
 Q In Kansas? A. I don't know.
 Q Where was your mother? A. I left her there when I went away.
 Q How long had she been living there before you went away? A. 3 or 4 years.
 Q Were you in Fort Scott Kansas in '85, '8 and '9? A. No sir.
 Q Wasn't your mother living there then? A. No sir.
 Q Where was she then? A. At Big creek I said.
 Q Where was your brother John then? A. He was there some of the time and some of the time I don't know where he was.
 Q You swear that you were never back in Fort Scott from '85 until '94?
 A. Yes sir I am swearing that.
 Q You never was in Kansas at all between those dates? A. Yes sir I was in Kansas.
 Q Where? A. Oswego.
 Q I thought you said you never was in Kansas again until '94? A. That is the first time I was in Kansas.
 Q Is that the first time that you ever went back there after you came down here with your mother and brothers in '84? A. Yes sir I believe it was.
 Q Are you positive? A. I think I am.

Q Were you ever in Fort Scott between '66 and '74? A. Not that I know of.

Q Are you positive of that now? A. No sir I am not, but I don't think I was.

Q Your mother used to live in the Government building there didn't she? A. Not as I know of.

Q You were married in Oswego you say? A. Yes sir in '78.

Q When did you first move to Vinita? A. Went there in '78.

Q When did you commence keeping house in Vinita? A. In 80. ~~at the same time~~

Q After the Wallace court? A. No sir I was there before that, but I lived with my sister.

Q What is her name? A. Bettie Nix.

Q Did you have you wife with you? A. No sir.

Q Where was she? A. In Missouri, never would come here.

Q Where was that son you spoke of? A. With her.

Q When did he come down here? A. In '81 and he ~~wasn't~~ couldn't stay there cause you Indians rocked the colored folks and he couldn't stay and sent him away.

Q Did your wife ever come to the Territory? A. Yes sir in '78.

Q When did you separate from her? A. I suppose when she wouldn't come down here.

Q When was that? A. In '78, long in the last part.

Q When was this boy of yours born? A. In '78, in May.

Q He was a baby then when you and your wife parted? A. Yes sir.

Q Son separated from her that fall? A. Yes sir.

Q And she has never been here since? A. Yes sir she was here but wouldn't stay.

Q Have you been living for the past ten years in Vinita? A. Yes sir.

Q Never back to Kansas in that time? A. No sir.

Q What did you do there in Vinita? A. Worked.

Q Who for? A. She ~~was~~ worked for Mr. Ratliff a while.

Q When? A. In '82.

Q Do you know Jim Martin on Big creek? A. No sir.

Q Are there any Cherokees there that you do know? A. No sir, never saw many there.

Q Did you live with your mother before the war? A. Lived with my old master.

Q Did your mother live with your old master? A. Yes sir.

Q What was in Flint district? A. No sir I was born in Flint, but we lived at Webbers falls.

Applicant not found on the 1880, 1886, Kern, Clifton or Wallace rolls.

By Com'r Haddles,--

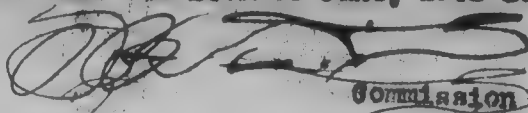
Technash Holt applies for himself, he is not found on any of the rolls of the Cherokee Nation; he avers that he is the child of Baster Holt and a brother of Joshua Holt, and the said Joshua Holt has this day been listed for enrollment on Freedmen Beautiful Card #344 and the testimony taken thereon is hereby referred to and a copy thereof will be filed with this case and made a part of the record herein. The said Technash Holt will be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of the Commission and he will be notified of the final decision of the Commission in regard to his case when the same is made.

Heit 5.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 25th of June, 1901 at Nowata, I. T.


Commissioner

Self 3.

That, von Hake, being sworn to as an interpreter to the Com-
missioners to the Five Civilized Tribes, he reported in full all the pro-
ceedings in the above cases and that the foregoing is a full, true and
correct transcript of his stenographic notes therein.

Chas. W. Hake

Subscribed and sworn to before me this 10th day of June, 1901 at
Nowata, La. T.


Notary Public

To be filed with case of **Tegumseh Holt, C.F. D.#653.**

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
OKLAHOMA, I.T., JUNE 10, 1901.

In the matter of the application of Joshua Holt for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

APPEARANCES:

Mr. Smith, of Mellette & Smith, for applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

- Q What is your name? A Joshua Holt.
Q How old are you? A 52.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clifton.
Q Not on the roll of 1880 then? A No, sir.
Q Who do you want to enroll besides yourself? A My mother first.
Q Well the second? A My wife, and children and self.
Q Where is your mother? A She is out there.
Q She can appear for herself? A She is so old she don't have any recollection, I think she is pretty near a hundred years old, and not able to give in hardly.
Com'r: You can let your mother come and apply, and you can be a witness for her.
Q Your wife and children, you say? A Yes, sir.
Q What is your wife's name? A Jane Holt.
Q How old is she? A 32.
Q What are the names of your children? A Laura Holt.
Q How old? A 19.
Q Next one? A Ella Holt, 13.
Q Next one? A Jessie Holt, 10; Willard Holt, 9; Clifford Holt, 6; Maucellia, three months old.
Q That's six children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q What was your wife's father's name? A Anderson Johnson.
Q Was he a Cherokee freedman? A Yes, sir.
Q When did he die? A About 20 years.
Q What is her mother's name? A Dinah.
Q Is she living? A No, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is your wife's father's name on the roll of 1880? A No, sir.
Q You say your name is on the Kern-Clifton roll? A Yes, sir.
Q Is it on the Wallace roll? A Yes, sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
Page 147, #3639, Josh Holt, Cooweescoowee district;
page 147, #3640, Laura Holt, Cooweescoowee district;
page 144, #3575, Jane Holt, Cooweescoowee district;
page 147, #3641, Ella Holt, Cooweescoowee district;
page 147, #3642, Jessie Holt, Cooweescoowee district;
page 147, #3643, William Holt, Cooweescoowee district.

- Q You didn't draw for Clifford did you? A No, sir.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
 page 117, #2476, Josh Holt, "District, Fort Scott, Kansas."
 page 117, #2477, Jane Holt, "Fort Scott, Kansas."
 page 117, #2478, Laura Holt, "Fort Scott, Kansas."

ESTHER HOLT, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Esther Holt.
 Q How old are you? A Along about 85.
 Q What is your post office? A Vinita.
 Q What district do you live in? A Cooweescoowee.

APPLICANT recalled, and further examined: By Mr. Smith:

Q How old are you? A 52.
 Q Where do you live? A Vinita, Indian Territory.
 Q Were you born a slave? A Yes, sir.
 Q Who was your owner? A Bill and Nellie Holt.
 Q Were they citizens of the Cherokee Nation, Indian Territory?
 A Yes, sir.
 Q Where were you when the Civil War commenced? A I was at Webbers Falls, Cherokee Nation.
 Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
 Q Where did you go? A Fort Scott, Kansas.
 Q When did you return to the Cherokee Nation first after the war?
 A '66, in August.
 Q Who was with you? A Andy Daugherty, my mother and two brothers.
 Q What was your brothers name? A Tecumseh Holt and James Holt.
 Q Where is James Holt? A I have not saw James Holt for twenty years.
 Q You don't know where he is? A No, sir.
 Q Where is Tecumseh Holt? A He is here somewhere.
 Q Where does he live? A Vinita.
 Q What is your mother's name? A Esther Holt.
 Q What was your father's name? A Jonas Pack.
 Q Where did he die? A He died when the emigrants left this Nation going to California about 1819.
 Q You spoke of your mother and yourself and brother Tecumseh and another brother named James, coming here to the Cherokee Nation after the war in '66, where did you come to? A Came to Big Creek.
 Q Near what point is the country is developed now? A I don't understand you.
 Q I mean to say at what point on Big Creek did you come?
 A Near about in the settlement you have reference to?
 Q Yes? A Up there about where Reuben Johnson lives and Mike Whitmire.
 Q Near what place is that now? A It was on George Duffin.
 Q I mean as to what post office is it now? A Near Hama, Kansas.
 Q How far is it from where Hayden is now? A I don't know, Hudson may be closer I think, Hudson post office is nearer than Hama Kansas.
 Q You think it is nearer what is now Hudson? A Yes, sir.
 Q How long did you live there at that place you have mentioned?
 A I lived there off and on and go there and work and come back again.
 Q Well, you were then about how old? A I can't tell exactly how old I was about that time.
 Q Were you married? A I was unmarried at that time.
 Q When did you marry? A I married in 1899.
 Q Were you ever married before that? A No, sir.
 Q Were you a single man from '66 up to '99? A Yes, sir.
 Q Do you mean '99, three years ago? A 1899.
 Q Then you were mistaken when you said 1893? A Yes, sir, I was mistaken.

- Q Where are these children, Laura Holt, Ella Holt, Jesse Holt, Willard, Clifford and Maucolia? A They are living in Vinita.
- Q How long have they been living there? A They have been living in Vinita I guess for 12 or 13 years.
- Q They are living with you? A Yes, sir.
- Q You stated that you worked around from place to place, where was your mother after you come back to the Cherokee Nation? A She was there sometimes and she worked off sometimes and worked and come back again.
- Q Where does your mother live now? A Vinita.
- Q How long has she been living at Vinita? A I guess 13 or 14 years.
- Q Was your mother a slave? A Yes, sir.
- Q Who did she belong to? A Bill and Nellis Holt.
- Q The same persons you have mentioned in your own testimony? A Yes, sir.
- Q Where was your mother when the Civil War commenced? A Webbers Falls, Cherokee Nation.
- Q Did she or did she not go out at the same time you did? A She went out at the same time I did.
- EXAMINED BY COM'R NEEDLES:
- Q Do you live in Vinita? A Yes, sir.
- Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason, I didn't appear at that commission.
- BY MR. HASTINGS:
- Q Your present wife is the only wife you have ever had? A Yes, sir.
- Q You testified that you married her in 1889? A 1889.
- Q Your oldest child is 19 years of age, you have given, Laura? A Yes, sir, she is my stepchild, my wife's child, Laura and Ella both.
- Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes, sir.
- Q Did you then say anything about their being your step-children? A I think I did, I am not certain.
- Q What was your wife's maiden name? A Jane Johnson.
- Q Where was she born? A Big Creek, Indian Territory, Cooweescoowee district.
- Q How old is she? A I think she is now about 32 years old, 30 or 32.
- Q Who was her father? A Anderson Johnson.
- Q Who was her mother? A Dinah Johnson.
- Q Where did you marry her? A Cooweescoowee district, Big Creek.
- Q Who married you? A Peter Meigs.
- Q Does she claim to be a Cherokee freedman? A Yes, sir.
- Q Freed woman? A Yes, sir.
- Q Did she apply before to the Kern-Clifton Commission? A Yes, sir.
- Q By what name? A In 1896?
- Q Yes, sir? A Jane Holt.
- Q Where did you move to Vinita from? A I were living at Big creek, and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Wallace court.
- Q But you came from Ft. Scott down to Vinita? A Yes, sir.
- Q Did you bring your wife with you? A Yes, sir, we was up there working, I hadn't moved up there.
- Q But your wife was with you? A Yes, sir.
- Q What was you doing up there? A I was cooking up there.
- Q Who for? A Man named W. H. Robinson.
- Q He was living there was he? A Yes, sir.
- Q Colored man? A No, sir, he was a white man.
- Q How long had you been in Ft. Scott when you came to Vinita? A 1889 I believe it was '89 or '90.

- Q I say how long had you been up there when you come down to Vinita? A I don't know just how long.
- Q Well, about how long? A I can't tell you. I come back before the wallace taken the census.
- Q You don't know how long you had been up there? A Not exactly.
- Q About how many years? A I tell you I don't know.
- Q You can make some sort of an estimate? A Well, about, up there a year, not quite a year.
- Q Were you up there more than a year? A I don't think I was.
- Q Hadn't you been up there ever since 1865? A Up in Ft. Scott.
- Q Yes? A Why certainly not.
- Q Then you deny positively that you were there more than two years?
- A Yes, sir, I do, at a time.
- Q Where was your oldest child, Jesse, born? A Jesse was born in Vinita.
- Q Have you been living in Vinita since 1889? A Yes, sir.
- Q All the time? A Except when I was out working.
- Q Where were you out working? A I were out at Lawrence, working and I was at Paola and I was at Weir City, Kansas, working.
- Q Where else were you working? A I worked there at Chetopa.
- Q Working in Ft. Scott? A Since '89?
- Q Yes? A I don't think I have.
- Q How much of this time since 1889? have you actually resided in Vinita up there personally present? A I have been there pretty regular ever since 1892.
- Q How many years? A Well all the way along.
- Q Have you been there now for the past nine years all the time, continuously? A Yes, sir, except when I was working out I tell you.
- Q I want to know how much time you have been working out?
- A I could not tell you that, because I don't know, but altogether wouldn't make a year.
- Q Where was your wife at that time, in Vinita all this time?
- A She was in Vinita.
- Q She never went out with you when you worked out? A Not since 1889 she hasn't.
- Q Where was this next child Willard born? A In Vinita.
- Q Where was the next, Clifford? A In Vinita.
- Q Where was Maucelia born? A Vinita.
- Q All four of these children were born in Vinita were they?
- A Yes, sir.
- Q Who did you come down to the Cherokee Nation with after the war?
- A Andy Daugherty.
- Q Didn't Andy Daugherty have a place down there when you came?
- A Yes, sir.
- Q He had a house up? A Yes, sir.
- Q He had a patch of corn in? A Had a little corn in.
- Q When you came? A Yes, sir.
- Q Who else had a house down there when you came? A I think Uncle Mike Whitmire had a house and Reuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.
- Q George Duffin? A I think so, I am not certain.
- Q Was Uncle Peter Ward living down there then? A I don't know.
- Q Was Reuben and Tuck Sanders? A Yes, sir.
- Q Did they have small crops of corn too? A I wasn't on their place, would see them passing back and forth, I guess they lived there.
- Q Didn't all these people that you have mentioned have corn?
- A I don't know; Uncle Andy Daugherty did, and I believe Whitmire did.
- Q What time did you come there? A In August.
- Q How long did you remain when you came in August? A I must have stayed there about six or eight months before I went away.
- Q Where did you go to? A I think I went to Lawrence I believe.

- Q Where was your mother at that time? A When I left I left her on Big Creek, at Andy Daugherty's.
- Q She came down with you did she? A When she first came from Kansas? Yes.
- Q How long did she stay down there? A I don't know how long she stayed altogether.
- Q How long did she stay before she went back? A She probably stayed a year.
- Q Then she went down to Ft. Scott? A Yes, sir, and worked a year and come back again.
- Q Did she keep house up at Ft. Scott? A She was working around there, she used to keep house.
- Q You lived with her up there, and your brothers? A Yes, we kept house up there in '64 and 5.
- Q You didn't live in a Government building up there? A I didn't.
- Q Did your mother? A Not as I know of.
- Q You didn't live with her up there? A I was with her up there, in '64 and 5.
- Q After that time were you with her? A I was with her at the Daugherty's when she was there.
- Q Were you with your mother in '66 in Kansas? A I would see her up there when I was working up there she was working up there.
- Q Did you see her in Ft. Scott, Kansas? A Yes, sir.
- Q What year was that? A I can't tell you.
- Q Did you see her in '66? A We come down here in '66.
- Q Did you see her in Ft. Scott, Kansas, in '67? A I think she remained here all that time.
- Q Did you see her in Ft. Scott, Kansas, in the year '67?
- A No, sir,
- Q Did you see her in '68 in Ft. Scott, Kansas? A Yes, sir/ She was there working in '68.
- Q And you were there? A I think I came through Lawrence and I see her first one place and another.
- Q And where was your brother, Taoumsh A I think he was living up there.
- Q You never made a home in Kansas? A No, sir.
- Q Never had one? A Yes, sir, I built one about two years ago.
- Q You never had one on Big Creek? A No, sir, I come there with my uncle and never made a home until 2 years ago, I built a home two years ago.
- Q You never had a separate house there on Big Creek? A No, sir.
- Q I want to know where you lived from '68 to '89? A Sometimes I lived on Big Creek. In 1885 I lived on Andy Daugherty's, and went to Vinita.
- Q Where was your mother then? A She was at Daugherty's.
- Q How much of this time has she lived at Daugherty's? A I don't know.
- Q You know Jim Foreman A I do.
- Q Did you ever know him in Ft. Scott? A I did.
- Q Did you know him there in '68? A I knew him there in '64 and 5.
- Q Do you know Simon McKinsey? A I did.
- Q Did you know him in Ft. Scott, Kansas? A Yes, sir.
- Q When did you know him? A '64 and 5.
- Q Did you know him about '66? A I saw him after '66.
- Q Did you see him about '66? A I saw William Foreman, I don't think I saw Simon.
- Q When was the last time you saw William Foreman in Ft. Scott, Kansas? A I don't remember.
- Q Did you see him during the year of '86, '87, '88 or '89?
- A I didn't see him in '66, and I never saw him in '67 or 9.
- Q Did you see him in '68? A No, sir.

- Q Were you in Ft. Scott during either of these four years?
A I think I were there in '68.
Q Where was that? A I think I worked there in '68 a little while.
Q Was your mother there then? A I believe she was.
Q Your brother Tecumseh? A I don't think he was.
Q Where was your brother Tecumseh? A I think he was on Big Creek, with Uncle Andy.
Q Was your brother married? A Yes, sir.
Q Where did he marry? A In Oswego, Kansas.
Q State raised woman? A Yes, sir.
Q When? A Married in 1875.
Q What did you do down here in '66? A I didn't do nothing in '66, there was nothing down here to do.
Q Nothing in '67? A I went out and worked; I never worked in here in those days.
Q You never made a crop in the Cherokee Nation? A No, sir.
Q Your mother there never kept house here separate? A No, sir.

By Con'r Needles: Is Jane your first wife? A Yes, sir.
Q Had she been married before she married you? A I don't know, if she was I didn't know it; she had these children.
Q What are the children's names? A Laura and Ella Beason.
Q Where were they born? A Big creek.
Q Big Creek in the Cherokee Nation? A Yes, sir.
Q Is that where you married her? A Yes, sir.
Q You mentioned about working in Kansas backwards and forwards, did you have your family with you while working in Kansas? A My family was with me up there in Ft. Scott, yes sir.
Q You worked in Ft. Scott and your family was with you? A Yes, sir.
Q How long was that? A I can't tell you exactly, we went there in '89 I think it was, and we went back before the Wallace court.
Q Did you ever have your family working out with you after that? A No, sir.
Q Since the Wallace roll then has your family always lived at Vinita? A Yes, sir. Except when my wife was out visiting; she went to Linn County, Kansas, once to see her grandmother, and took her children, and she went to Chetopa to see her people.
Q How long did she remain at those places? A I think she remained in Mound City, Kansas, ten days, and I don't know how long she stayed at Chetopa.
Q Before she went there was she keeping house at Vinita? A Yes, sir.
Q When she went up with those children did she abandon the house? A I was at the house.
Q Did she take household furniture with her? A Didn't take anything but a few clothes in a valise.
Q Did she come back to the same house? A Yes, sir.
Q And were you there? A I was there.
Q Jane your wife is a daughter of Dinah Johnson? A Yes, sir.
Q Is Dinah living? A No, sir, she is dead.
Q Andrew Irving? A He is dead.

By Mr. Smith: You say it was in 1889 that you went to Ft. Scott, Kansas after you were married? A Yes, sir.
Q And that you came back before the Wallace court? A Yes, sir.
Q Now up to 1889 you were unmarried, had you ever married before 1889? A No, sir.
Q What had been your home up to the time you were married?

Mr. Hastings: I want to enter an objection to that; you ask him where he has lived; the home is a legal proposition; let the facts be developed and let the Commission and others decide about that question.

Mr. Smith: That is immaterial.

Q Where did you stay, where did you live up to the time you were married? A I lived on Big Creek.

Q At whose house? A At Andy Daugherty.

Q Was he related to you? A My uncle.

Q What is your occupation, you spoke of working? A I am a cook, and I am a painter.

Q Now after you were married and after 1889 you were asked when you first built a home, do you mean by that that you now own your own home, or what do you mean? A Yes, sir, I own my own home now.

Q Had you any home place to keep house to live in before you built that two years ago? A I was renting a house to live in.

Q Where? A Vinita.

Q What kind of work did you mother do? A She was washing out and sometimes cooking.

Q Did you have sisters? A Yes, sir.

Q What were your sister's names? A Sallie and Bettie.

Q What is Bettie's name now? A Bettie Hicks.

Q Who was she married to? A Dennis Hicks.

Q Up to the time she married Dennis Hicks what was her chief occupation? A She worked around hotels and such work as that. Hired out.

Q Do you know of your own personal knowledge when she came back to the Cherokee Nation, or not? A No, sir, I don't.

Q Do you know of your own personal knowledge when Sarah came back? A No, sir.

Q You know whether they were slaves before the war? A Yes, sir.

Q Who did they belong to? A Bill and Nellie Holt, same man I did. By Con'r Needles.

Q You say you were living on Big Creek? A Yes, sir.

Q No town there? A No, sir.

Q Were you a farmer? A No, sir.

Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working and came back there for my home.

Q How long did you live there? A I pulled out from there in '85.

Q You made that your headquarters then? A Yes, sir.

Q Your uncle was a farmer? A Yes, sir.

Q You didn't pretend to farm yourself? A No, sir.

By Mr. Eastman: How many brothers did you have? A Had four, three besides myself.

Q And your mother? A Yes, sir.

Q And you all moved your Uncle Andy Daugherty's place your headquarters? A Not all of us, I had one brother that never came there at all.

Q Your two brothers and your mother and yourself? A Yes, sir.

Q You never lived in separate houses? A No, sir.

Q Where was your sister Bettie married? A She was married in Vinita.

Q When? A I don't know how many years ago it has been since she got married.

Q Since you came there? A Since I have been in Vinita, yes sir.

Q Hadn't she ever been married before? A No, sir, not to my knowing.

Q Where did she come from when she came to Vinita? A I don't know, she wasn't with us; she had been working down about Gibson, and places around there.

Q Your sister older than you? A Yes, sir.

Q Where is she living? A In Vinita.

Q How long has she been living there? A I don't know.

Q Since or before you moved there? A She has moved there since I moved there.

Q Where did she come from? A She had been working down about Ft. Gibson I believe, or Tahlequah, I don't know whether she come from there or where.

Q When was the last time you saw her in Ft. Scott? A I don't know.

Q Since the war? A I think I have, but I am not certain.

Q Not positive? A No, sir.

Q She didn't live with you there in '67, '8 and '9? A No, sir, she never did live with me.

Q You know where she married? A No, sir.

Q Did she marry a state raised man? A I don't know whether the man was a state raised man or not, I couldn't tell anything about that.

By Com'r Needles: Now as to your wife, you say her father's name was Anderson Johnson? A Yes, sir.

Q And her mother's name was Dinah? A Yes, sir.

Q Were they slaves? A Yes, sir, both of them.

Q Who did they belong to? A Anderson Johnson belonged to a Cherokee named Ben Johnson, and my wife's mother belonged to a man named Chandler, in Arkansas.

Q In Arkansas? A Yes, sir.

Q Slave of an Arkansas man? A Yes, sir.

Q Her father was owned by a Cherokee? A Yes, sir.

Q And his wife was owned by a citizen of the State of Arkansas? A Yes, sir.

Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes, sir.

Q When did they return? A They moved to Big Creek in '66.

Q How do you know? A I was there, I lived close to them.

Q Was Jane born after that or before that? A She was born after they moved there.

Q I forget whether you stated your wife's father and mother were both living or not? A They are both dead.

Q Your wife Jane been living in the Cherokee Nation ever since '66? A Yes, sir, except when she was just out visiting.

Q Except when she was out with you? A Yes, sir.

Q You don't know whether she was married before you married her or not? A No, sir.

Q You know she had these two children? A Yes, sir.

Q Are these children living with you now? A Yes, sir.

By Attorney Smith: You know who was the reputed father of these two children? A Man said to be named Oscar Beason.

Q Is he living or dead? A Last I heard of him he was living.

Q By Com'r Needles: Colored man? A Yes, sir.

Q By Mr. Smith: Where is your wife? A I don't know whether she is in the crowd or not, she is here in camp somewhere.

Q Have you a certificate of your marriage to her? A No, sir, I just married by a preacher.

Q Who married you? A Peter Keigs.

Q Is he living or dead? A He is dead.

Q Is there anyone around the camps who saw you married? A The family was there; her two sisters were there, and I was to have them here, but they went to Fort Gibson.

Q There is no one here that saw you married? A No, sir.

By Mr. Hastings: How long had you known your wife before you married her? A I knew her from a child.

Q You know whether she lived with this man as husband and wife by whom she had the two children? A I know she lived with him, I don't know whether they were married or not.

Q How long did she live with him? A She may have lived with him four or five years.

Q She lived with him from the time she gave birth to the first one until she gave birth to the last one? A Yes, sir.

Q Lived in a house together with him? A Yes, sir.

Q You don't know whether they were married or not? A No, sir, I don't.
 Q You lived at Webbers Falls when the war come up? A Yes, sir.
 Q You went out North? A Yes, sir.
 Q Who did you go with? A Went out with the soldiers, soldiers come there at night and taken up put.
 Q Were you living with Will and Nellie Holt at Webbers Falls?
 A Yes, sir.
 Q Did they have children? A Yes, sir.
 Q What were their names? A Fanny Whitmire, Johnson Whitmire's wife.
 Q How far did you live from Webbers Falls? A I lived about a mile and a half on the other side of Webbers Falls.

SUBSTANT'S MOTHER recalled, and further examined,
 By Mr. Hastings: Aunty, where do you live now? A Vinita.
 Q Who do you live with over there? A I live with my son.
 Q What is his name? A Tecumseh Holt.
 Q Tecumseh got a wife? A Yes, sir. He has got a wife.
 Q What is her name aunty? A Named Sarah Holt.
 Q Got some children? A Got one.
 Q How old is it? A I don't know.
 Q About how old is it a child grown? A Yes, sir, it is grown.
 Q Is the child married? A No.
 Q Boy or girl? A She is a girl.
 Q Where did Tecumseh marry? A I don't know, I am forgetful, my head is not right.
 Q You were present when he married? A No, sir, I think he married in Osawego.
 Q You wasn't there? A No, sir.
 Q Now aunty, you came from Ft. Scott down to Vinita didn't you?
 A Yes, sir, when I did come down there.
 Q Now aunty, when did you come down there, how many years ago?
 A My brother went up there and brought me down and three boys; went to get provisions, everything was very scarce down here at that time, and he brought me and the children down here; he said they were going to make a treaty and he brought us down.
 Q And you come did you? A Yes, sir, I come in his wagon.
 Q Did he have a house here at that time? A Yes, sir.
 Q He had a little field? A Yes sir, small field.
 Q What was your brother's name? A Andy Baugherty.
 Q There was other people living around in the neighborhood were there? A Yes, sir.
 Q About what time of the year was it, April, May, June, July, August, September, spring, what or, summer or what? A It has been so long I don't remember.
 Q Warm weather or cold? A I don't know whether it was warm or cold.
 Q How long had your brother been living down here when you came?
 A I don't know, he was living down here and had his house built when he brought me down.
 Q Been living here a year or two? A Maybe longer and maybe not so long, I don't know.
 Q How long did you stay down here with your brother at that time?
 A When he brought me down?
 A Yes? A I stayed a year or two, I don't know.
 Q Then you went back to Ft. Scott, did you? A Yes, sir, I went back to Ft. Scott.
 Q What were you doing up at Ft. Scott? A Working around, trying to make an honest living.
 Q You lived in a Government building didn't you aunty? A Yes, I rented up there, took in washing.
 Q Before the war? A After the war.

Q Did you know James Foreman? A No, sir.
Q How long was it until you came down to visit your brother again?
Did you ever see him any more? A After I went up there.
Q Yes? A Yes, sir.
Q How long was it until you saw him again? A Four or six months,
maybe seven or eight, I don't know.
Q You never had any home down here? A No, I made my home with
him.
Q Whenever you came? A Yes, sir.
Q Where were your boys when you went back up to Ft. Scott, were
they up there with you? A Josh was cooking somewhere.
Q Was he cooking up there? (No reply.)
Q Did Josh ever have a wife before he got this woman, live with
another woman as his wife? A Not that I know of.
Q Never had no children by any other woman? A Not as I know of.
Q You were living up there in Ft. Scott when the Wallace payment
was made wasn't you Andy? A No, sir.
Q Where were you? A I don't remember.
Q How long did you live up there at Ft. Scott after the war?
A I can't tell you.
Q You spent pretty near all your days haven't you amount up to the
Wallace Court? A No, sir.
Q Did you work any down here before the Wallace Court? A No, sir,
I haven't worked before the Wallace court, I have never been able
broke up with the rheumatism.
Q About all the work you done was in Kansas? A I couldn't get no
work here to do.
Q I say about all the work you done was in Kansas? A No, not
all that I done.
Q Who did you work for down here before the Wallace Court?
A Oh I went around waiting on women, and come home and get down
and laid down; when I was called I would go.
By Mr. Smith: How old are you, Aunt Esther? A About 88,
that's the age they give me; I don't know my age; I was 15 years
old the time the stars fell and the Commissioners have been trying
to get my age from that, I don't know.
Q Now, how old was that when the stars fell, I was there my-
self and saw them fall.
Q What was it you said about having rheumatism? A I said I have
rheumatism but I can't do very much.
Q You live with one of your sons? A I live with Tecumseh.
Q Where were you before the war? A Yes, sir.
Q Who did you belong to? A William Holts and Nellie Holts.
Q Were they Cherokee Indians? A Yes, sir.
Q Where did they live? A Webbers Falls.
Q How many children had you at this time the war broke out, besides
Joshua? A Gailie and Betsy and Mollie and Joshua.
Q And who do you live with now? A I live with Tecumseh.
Q Was Tecumseh born before the war or after? A Before the war.
Q Is Bessie married now? A Yes, sir.
Q Who is she married to? A Dennis Hight.
Q Where is she living? A In Vineta.
Q What is Gailie married to? A Gailie Miller, she married a man
named Miller.
Q And lives at Vineta? A Yes, sir.
Q Were these children whose names you gave born slaves? A Yes, all
who did they belong to? A William Holts.
Q Some person you belonged to? A Yes, sir.
Q What was it you said about your brother coming after you up in
Kansas, and about a treaty? A He went up there to get some of
everything in this nation and so on at that time he said he thought

they would go up and get provisions and fetch me and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.

Q Who did he bring of your family? A Joshua, Tecumseh and Jimmie.

Q And you? A Yes, sir, brought four.

By Mr. Hastings: Bring your daughter Nellie? A No, sir, she was down here long before I was.

Q She lives in Vinita doesn't she? A She lives in Vinita now, she did not live in Vinita at that time; she was in Ft. Gibson and about Big Creek somewhere.

APPLICANT, JOSHUA HOLT, re-called, and examined by Com'r Needles:

Q Esther Holt your mother? A Yes, sir.

Q She is the witness that's on the stand here now? A Yes, sir.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A Bill and Nellie Holt.

Q They Cherokee citizens? A Yes, sir.

Q She went to Kansas didn't she? A Yes, sir.

Q When did she return? A '88.

Q returned with you? A Yes, sir, and my uncle and two brothers.

Q Where has she been living ever since that? A She lived on Big creek a while, and she has been living in Vinita.

Q She never got back to Kansas afterwards? A Yes, sir.

Q How long did she remain there? A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down on Big creek again.

Q Did she have a home in this Nation? A No, sir.

Q Who was she living with? A Wither brother up on Big creek except when she was working out.

Q Was she married then? A No, sir.

Q Her husband wasn't living then? A No, sir.

By Mr. Hastings: How long has Tecumseh been living in Vinita? A I don't know how long he has been living in Vinita.

Q Well, your best judgment, has he lived there five years?

A Yes, sir, I guess he has been living this time close on to ten years, I can't tell.

Q You know where he came from? A I think he had been working on a railroad.

Q Where? A Down on this line, (indicating.)

Q To Texas? A Yes, sir, I am thinking he had been working there, I am not certain.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this June 15th, 1901.

(Signed) T. B. Needles,

Commissioner.

CONTINUATION OF THIS CASE TAKEN BY STENOGRAPHER J. O. ROSSON.

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JOSEPH HOLT, et al., Application continued. Former per-
tisan reported by stenographer W. D. Green.

ATTORNEYS:

Messrs. Mellette & Smith, for Applicants;
Mr. W. W. Hastings, for Cherokee Nation.

JOSEPH HOLT, being duly sworn by Commissioner W. B. Todd-
les, testified as follows: By Mr. Smith, of Counsel for Appli-
cants:

- Q State your name? A Joseph Holt.
Q Where do you live? A Chelsea.
Q Do you know this applicant, Joshua Holt? A Yes, sir.
Q Did you know his mother? A Not very well acquainted with his
mother, I knew her.
Q How long have you known him? A I don't know, sir, how long I
have known him exactly.
Q How old are you? A 31.
Q Did you know him before the war? A No, sir.
Q When did you first get acquainted with him after the war? A
First time I saw him I saw him on his uncle's place on Big Creek.
Q When was that? A It was some years ago, I don't know just
exactly how long it was.
Q Who was this uncle? A Andy Daugherty.
Q Well give us your best idea, judgment, as to when it was if you
can when you saw him? A Well, I don't know exactly what year it
was.
Q How long ago was it? A I expect it must have been 31 years ago.
Q You hadn't known him before that? A No, sir.
Q You don't know whom he belonged to? A No, sir.

COLUMBUS MCNAUL, being sworn by Commissioner Hastings,
testified as follows: By Mr. Smith:

- Q State your name? A Columbus McNaul.
Q How old are you? A 31 years of age.
Q What is your post office? A Vinita.
Q Do you know this applicant, Joshua Holt? A Yes, sir, I know him.
Q How long have you known him? A I have known him ever since he
was a baby.
Q Did you know him before the war? A I knew him just a little
before the war came up.
Q Do you know who he belonged to? A Yes, sir, belonged to
William Holt.
Q Was William Holt a Cherokee Indian? A Yes, sir.
Q Do you know what became of Joshua during the war? A No, sir,
I don't know nothing about him.
Q When did you first see him back in the Cherokee Nation after the
war? A Well, sir, I just can't remember what time it was I saw
him back.
Q Well, where did you see him when you saw him back? A The first
time I saw him after the war was up here on Verd-gris.
Q At that place? A Ocoeechuck Land.
Q Do you know how long ago that has been? A Well, that was
something before 1880.
Q Do you know how long before 1880? A No, sir.
Q Do you know where he was in 1880? A No, I don't know where
he was in 1880.
Q Do you know where he was in 1883? A No, sir, I don't.
Q Do you know his mother, Rachel Holt? A Yes, sir, I am acquainted
with her.
Q Do you know where she was in 1883? A No, sir, I don't.

Q Where did you live before the war, Columbus? A Right across Grand river in Salina district.

Q Where did Joshua Holt and his mother live? A In Illinois district.

Q How far was that from you? A When I got acquainted with them I was working at John Daniels' in Canadiana district.

Q How far were you working from him? A Just across the river there at John Daniels at the old place.

Q You were working there when the war came up? A Yes, sir.

Q And you knew those people? A Yes, sir.

Q You didn't see them for years after the war? A No, sir.

By Com'r Needles: Did you know Joshua's wife's father and mother? A Yes, sir.

Q What was their names? A Anderson Johnson was her father and Dinah was her mother.

Q Were they slaves? A Anderson Johnson was, I don't know anything about their mother.

Q Do you know whether they were married or not? A No, sir.

Q Do you know they lived together as man and wife? A Yes, sir.

Q How long? A I can't say, they were living together when I saw him.

Q Do you know how many children they had? A No, sir, I don't know how many children they had at all.

Q Where was that? A It was on Big creek when I got acquainted with him.

Q After the war? A Since the war.

Q You never knew them at all before the war? A No, sir.

Q You know Jane you say? A Yes, sir.

Q Where was Jane living when you first knew her? A She was living there with her father.

Q Was she married? A No, sir.

Q Living with her father Anderson? A Yes, sir.

Q Do you know whether Anderson went out of the nation during the war? A I wasn't acquainted with him.

Q Don't know whether he went and when he came back? A No, sir.

By Mr. Hastings: Did you ever know Joshua Holt in Fort Scott?

A No, sir.

Q Did you know his mother, Esther? A No, sir, I never seen either one of them up there.

Q How long has Joshua been up to Vinita? A I ain't able to say, 12 or 13 years an' way.

Q How long has his mother? A She has been there about as long as he has.

Q How long has Tecumseh been there? A They come there together. They come there about the Wallace court, before the Wallace court, and been there ever since; Joshua lived there before that time.

Q The Wallace court was in 1889 wasn't it? A I guess so, I didn't take any particular notice.

JOSHUA HOLT, the applicant, recalled. By Com'r Needles:

Q Joshua, did Anderson Johnson, your father-in-law, go out of the Cherokee Nation during the war? A He was a soldier.

Q In what army? A In the 44th or 48th United States Infantry Colored, 48th I think.

Q Where was he discharged, do you know? A I think he was discharged at Fort Leavenworth.

Q When did he return to the Cherokee Nation? A '66.

Q How do you know that? A I saw him on Big creek.

Q In '66? A Yes, sir.

Q Was his wife living there with him then? A Yes, sir.

Q Jane your wife living with him? A She was born on Big creek.

Q You saw him there in '66? A Yes, sir.

Q Was he there when you came or you came before him? A He was there when I came.

COM'R NEEDLES:--Joshua Holt applies for the enrollment of himself, his wife, Jane, his two stepchildren, Laura and Ella Beason, and his own four children, Jessie, Willard, Clifford and Maucelia Holt. He cannot be identified upon the authenticated roll of 1880 or census roll of 1886, upon examination; neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony, and his older stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his own children, Jessie, Willard, are identified upon the Kern-Clifton roll. His two children, Clifford and Maucelia, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Esther Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas, and that Anderson Johnson was a slave of a Cherokee citizen. He also avers that Anderson Johnson, father of his wife, was a United States soldier and returned to the Cherokee Nation in the year 1866, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order to establish the citizenship of his wife, Jane; and it will also be necessary for satisfactory proof of marriage to be made between Joshua Holt and his wife, Jane, in order to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts as set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Beason, and his four children, to-wit: Jessie, Willard, Clifford and Maucelia, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. The fact that his two children's Clifford and Maucelia, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

J. A. Rosson, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. A. Rosson.

Subscribed and sworn to before me this 21st day of June, 1901.

(Signed) T. B. Needles,

Commissioner.

Supplemental Testimony in C.F. D. #644.

Joshua Holt et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29th, 1901.

Hallett & Smith, Attorneys for applicants present;
W. W. Hastings, present for the Cherokee Nation.

DANIEL SANDERS, being sworn by Commissioner J. D. Needles,
testified as follows for the applicant Dr. R. Smith:

- Q What is your name? A Daniel Sanders.
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes, sir.
Q Do you know Dinah Johnson? A Yes, sir.
Q What relation are they? A Man and wife.
Q Where did you first know Anderson Johnson? A In the army.
Q Where did you first know his wife? A At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A Yes, sir.
Q Who did he belong to? A Ben Johnson.
Q Was he an Indian? A He was a white man married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Tunkhousah family.
Q When did Anderson and Dinah marry? A After the war.
Q Do you know if they have any children or not? A Yes, sir, they have.
Q What are their names? A Mary was the oldest one I believe.
Q Do you know the names of any of the others? A I never paid much attention to them.
Q Do you know where they are now? A They are at Vineta.
Q Are they married or single? A Mary is married.
Q Who is she married to? A Joshua Holt.
Q Now is that Mary or Jane? A Jane, yes, it is Jane.
Q Who is the oldest then? A Jane is.
Q You were a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Joshua Holt? A Yes, sir.
Q Do you know where Jane was born? A In the Cherokee Nation.
Q Close to where you live? A Yes, sir, 6 or 7 miles.
Q Don't you know where Mary was born? A I must have been born there too.
Q Do you know any of the other girls? A I think there was three girls in all.
Q Do you know the name of the other ones? A I don't know.
Q Would you know it if you heard it? A Yes, sir.
Q Was it Ruth? A Yes, sir.
Q Where were those children born and raised? A On Big Creek mostly.
Q How long has Jane been married to Joshua Holt? A Ten years or longer.
Q Do you know when Anderson Johnson came back to the Cherokee Nation? A Yes, sir, in '66 with us.
Q Do you know when Dinah came back? A I don't know exactly the time.
Q Are they living or dead? A Both dead.
Q Where did they die? A Anderson got killed near to where he lived.
Q How long ago was that? A I think it was in '74.
Q How long did Anderson and Dinah live together there? A Until he died.
Q From what time? A I don't know just exactly when he married, must have been in the fall of '63.
Q And from that time until he was killed they lived together?
A Yes, sir.
Q Did they keep house by there? A Yes, sir.
Q Were they received in your community as man and wife? A Yes, sir.
Q Never noticed any difference?

Q What time of the year was it when you saw her? A Long in August '63.
Q What part of the year did you see her? A In the fall of '63.
Q Are you a resident of the Cherokee nation?
Q On the roll of 1897? A Yes, sir.

BY SMITH: Did you know Johnson's wife before he was
A No, sir.
Q Who was a state raised woman? A Yes, sir.
Q Where did you see her first to know her? A In the Cherokee nation.
Q What was his name? A John Johnson.
Q Did she have any children before she and Anderson Johnson were married?
A No, sir.
Q How old was she when they were married? A She wasn't over 20.
Q Were they married in the fall? A I think so.
Q Did he bring his wife with him when he came with you folks?
A Not the first time.

Q What time was it that he came down with you, what time of the
year? A Long in '66, long in the month of August.
Q Was that a new sign of you men that was in advance?
A Yes, sir.
Q Did you have your family with you? A No, sir.
Q They all went back afterwards and brought their families?

A Yes, sir.
Q When did Anderson Johnson bring his wife there? A I don't
know just exactly when it was.
Q Can't you be positive as to whether that child was born
in the Cherokee nation or in Kansas? A In the Cherokee nation.
Q I think, I never heard of her having any children in Kansas.
Q How far did he leave from you? A 7 miles, between a
mile closer to Albert Morris.

BY SMITH: What time did Anderson Johnson bring his wife
down there? A I don't know exactly the time, shortly after that
shortly after he came himself.
Q What is your best judgment? A Not long after he came himself.
Q How much as six months? A Can't have been over 6 months.
BY SMITH: This woman his first wife, did she die?
Q Since her first husband was killed? A I think so, yes.
Q What is that child's name? A I don't know, it is a boy.
Q How long after her husband's death before that boy was born?
A I can't tell you that.
Q Two or three years? A Yes, sir, I think so.
Q He is about grown now? A I haven't seen him for quite a while.
Q Don't know his name? A No, sir.

HURRY SANDERS called and swore as a witness for the defense.
Q What is your name? A Hurry Sanders.
Q Where do you live? A On Big Creek.
Q Are you a citizen of the Cherokee nation? A Yes, sir.
Q On the roll of 1897? A I am.
Q Do you know Anderson Johnson? A I do.
Q Did you know a woman named Dinah Johnson? A Yes, sir.
Q Do you know what relation they were to each other? A They were
wife.
Q When did you get acquainted with Anderson Johnson? A I don't
know out of the way.
Q When did he come to the Cherokee nation after he was out?
A In our wagon.
Q What time? A Long in the summer of '66.
Q Was he married then? A He was.
Q How did you first become acquainted with his wife? A In the

Q When did you first see her in the Cherokee Nation? A I don't know exactly, several years after we came down here that I saw her down here.

Q Where do you live? A On Big Creek.

Q How far did you live from where Anderson and Dinah were killed? A About 7 miles.

Q Did they have any children, Anderson and Dinah? A They had several.

Q Any girls? A Yes, sir.

Q Do you know the name of the oldest girl? A I don't know if I do or not.

Q What are the names of those you remember? A Mary, I don't know much about the girls.

Q Do you know if any of those children are married? A One is married to John Holt.

Q Where does she live? A In Vinola.

Q How long did Anderson and Dinah live together? A From the time they married until he was killed. I don't know exactly the number of years.

Q How long since he was killed? A I think about 10 years.

Q Do you know when they married, Anderson and Dinah? A I don't know the exact date, it was somewhere about 5 or 6 years after he came here.

Q Did you see them married? A No, sir, but I know they occupied a house and kept house there and lived together as man and wife.

Q How were they recognized by the neighbors there? A As man and wife.

Q Do you know when those children or children were born? A No, sir.

Q Where they born while they were living together as man and wife? A Yes, sir.

Q Where were they born? A On Big Creek, where they lived.

Q In the Cherokee Nation? A Yes, sir.

Q Do you remember which one of the girls John Holt married? A No, sir, I don't believe I remember her name.

Q Do you know whether she is the oldest child or not? A Yes, sir, I don't.

Q Do you know whether she was born? A Yes, sir, but exactly, but to my best judgment she was all born in the Cherokee Nation on Big Creek.

By the Court: With whom did Anderson and Dinah live when he came down here? A Where I live.

Q You all first came down in August and then went back? A Yes, sir.

Q You say Anderson wasn't married then? A No, sir.

Q His wife was up in Kansas then? A Yes, sir, his wife at that time.

Q The woman that he afterwards married? A Yes, sir.

Q Yes, sir.

Q So afterwards went up there and married her? A Yes, sir, and then brought her back with him.

Q Did you know his wife before she married him? A Yes, sir.

Q Where did she live? A There in Kansas.

Q And your recollection is that about 10 years after you all came down there she came here as Anderson's wife? A Yes, sir.

Chas. W. Jones, Attorney at Law, and as Vice-President of the Commission to the Five Civilized Tribes, to be held at all the proceedings in the case of Anderson and Dinah.

a full, true and correct transcript of his stenographic notes there-
in.

(Signed) Sam. Red Hales,
Subscribed and sworn to before me this 15th of July, 1901.
(Signed) T. B. Needles,
Commissioner.

To be filed in case of Jane Holt, et al., C.E.D. 644.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Sparta, I. T., June 25, 1901.

In the matter of the application of Ruth Chinnatt for the en-
rollment of herself and 4 children as Cherokee Freedmen; being
sworn and examined by Commissioner Needles, she testified as fol-
lows:

APPEARANCES:

Mr. Louis Brown, for the applicant;
Mr. W. F. Hastings, for the Cherokee Nation.

SAM WEBBER, being sworn by Com'r Needles, testified as
follows: By Mr. Brown:
Q. What is your name? A. Sam Webber.
Q. Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the
mother and father of this applicant? A. Yes, sir.
Q. You know whether they were ever married or not?
A. I couldn't tell you about the wedding, they were living together
as man and wife.
Q. So recognized by the community? A. Yes, sir.
Q. Were they living together as man and wife at the time this
applicant was born? A. Yes, sir.
Q. You know this girl's sister, Mary Johnson? A. Yes, sir.
Q. At the time she was born were they living together as man and
wife? A. Yes, sir.
Q. Did you testify for Jane Holt in the Johns Holt case? A. I
did 3 years ago, I didn't this time.
Q. You testified 3 years ago in the Mary Johnson case? A. Yes, sir.
Q. You didn't say anything about their wedding then? A. No one
asked me, I didn't have no right to say they asked me.
Q. When did you first see Anderson Johnson and the mother of this
girl living together as husband and wife? A. They came and settled
down there, he married her somewhere and brought her there. I don't
know where he married her.
Q. When was it? A. I don't believe I can tell you just when that
was.
Q. How long after the war was it? A. I couldn't tell you that and
be positive in it.
Q. Was Anderson Johnson married when he came down there?
A. No, sir, he was a single man.
Q. It was sometime after that when he married? A. Yes, sir.
Q. How long after the war was it? A. I don't know.
Q. In all the time he lived down there, was he ever married?
Q. You testified 3 years ago? A. He was married when he came down.

Q You don't remember how long after that when you saw him living with this woman? A No, sir, I couldn't say positive, but they was living together as man and wife on the creek there when he got killed, and had been for several years.

Q You remember just what year he got killed? A No, sir.

Q You don't remember just about how long after he come down there? A No, sir.

Q The circumstance of his getting killed isn't as great as the circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.

Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I don't know, I never paid no attention to it, so many people married, I can't keep the dates of all of them, of course I didn't try.

Q I am not asking you, Mr. Webber, the exact date, but how long ago, now when they first began living together, but about how many years ago are you willing to testify you saw them living together? A I don't know, I couldn't be positive about that.

Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have any.

Q Do you have any idea how old this woman is, (indicating applicant) A No, sir, not exactly.

By Com'r. Needles: Well, Mr. Webber, how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that correct.

Q Did they raise a family there? A Raised them right there on the creek, three children.

Q While they were living together as man and wife they raised a family? A Yes, sir.

By Mr. Hastings: You don't know where he got the woman?

A No, sir, I couldn't tell you.

Q How far did they live from you? A About 10 miles I guess, as near as I can guess at it.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 184, #3581, Chin-hatt, Holt, Coconawover district.

SAM WEBBER, witness, recalled and further examined. By Mr. Smith: (Of Mellette & Smith.)

Q Did you know Jane Holt? A Yes, sir.

Q Where was she now? A John Holt's.

Q Whose child is Jane Holt? A That's Anderson Johnson's child, by Dinah, his wife.

Q And the mother? A Dinah I said.

MR. SMITH: If the Court please, I would like a copy of the statement of Sam Webber taken in this case, I filed with D 644.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony of Sam Webber in above styled case.

(Signed) M. D. Green

Deposited and sworn to before me this 14th day of May, 1904.

(Signed) T. B. Webster

Commissioner

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SEP 14 1904
U.S. DEPT. OF JUSTICE

Of course, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he copied the foregoing and that same is a true and complete copy of the original testimony and proceedings in the above case.

J. R. Green

Subscribed and sworn to before me this September 12th, 1904.

[Signature]
Commissioner

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SEP 14 1904
U.S. DEPT. OF JUSTICE

NbD653

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 1901

Given under my hand this _____
day of _____ A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
_____ day of **SEP 18 1901** 1901.

William Smith

Attorney for applicant.

**UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.**

I do solemnly swear that I delivered a
true copy of the within notice to _____

_____ on the _____ day of _____ A. D. 1901

Subscribed and sworn to before me
this _____ day of _____ A. D. 1901.

Notary Public.

SEP 18 1901

9/18 Filed

NOTICE!

IN THE MATTER OF the application of Tecumsee Holt
for enrollment as a Cherokee citizen:

Case No. D 655

To Tecumsee Holt or Mallette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on Oct. 5th at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L. B. Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

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In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L. B. Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PIERRE ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Hellatte & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17200, filed in the Mariah Hayden case F. D. 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Thomas H. Hall, D 653;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because: First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and perfect transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. G. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

Steps

C.M.McR.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Tecumseh Holt, et al., as Cherokee Freedmen, consolidating the
applications of--

Tecumseh Holt,
William Holt,

Cherokee Freedmen D-653,
Cherokee Freedmen D-694,

DECISION.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Tecumseh Holt for himself and by William Holt for himself. A copy of the testimony taken at Chelsea, Indian Territory, on June 10, 1901, in Cherokee Freedmen D-644, and a copy of the testimony of Sam Webber taken at Nowata, Indian Territory, on June 26, 1901 in Cherokee Freedmen D-866, are filed herewith and made a part of the record in this case.

The evidence shows that the applicant, Tecumseh Holt, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitacre, trustee, et al., vs. the Cherokee Nation, et al., for the return of Cherokee Freedmen to said Nation. The evidence further shows that the applicant, William Holt, is the son of said Tecumseh Holt; that he was born since 1866 and has no right to enrollment except through his said father.

It does not appear that either of the applicants is identified on the 1880 authenticated Cherokee Roll.

It is therefore, the opinion of this Commission that the applications for the enrollment of Tecumseh Holt and William Holt as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Signed-- Tams Bixby,
Chairman.

" T. B. Needles,
Commissioner.
" C. R. Breckinridge,
Commissioner.

"
" Commissioner.

Muskogee, Indian Territory,

this March 5, 1904.

COMMISSIONERS
JAMES BIXBY,
THOMAS H. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYRESWORTH,
SECRETARY

ADJUTANT GENERAL
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-653, D-694.

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the applications for the enrollment of Tecumseh and William Holt as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-75.

Commissioner in Charge.

Cher Fr D 654

Cher Fr D 654

To be filed in case of William London, CFD-654.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 7, 1901.

In the matter of the application of Sarah Lond on for the enrollment of herself and two children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

- Q Give me your name? A Sarah London.
Q How old are you? A I don't know sir.
Q Are you a hundred years old? A I expect so; I don't know.
Q You are hardly a hundred years old? A I am pretty old Mister, Com'r; Well we will put her down 65.
Applicant: Well, put it down as near as you can come at it.
Q What is your post-office? A Muskogee.
Q Do you live in the Cherokee Nation, or are you living at Muskogee? A I am living at Muskogee now.
Q What district in the Cherokee Nation do you claim as your home? A Coowasee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir, six children.
Q Are these six children all under 21 years of age? A I couldn't tell you exactly, there's one of the boys can tell you the ages of them.

MINOR LONDON, being sworn and examined by Com'r Breckinridge, testified as follows:

- Q What is your name? A Minor London.
Q Are you a son of this woman here? A Yes sir.
Q How many children has your mother? A She has got 10 altogether.
Q How many of them are under 21 years of age? A Two.
Q Are these two unmarried? A Yes sir.
APPLICANT RE-CALLED:
Q How long have you lived in the Cherokee Nation? A Been living there all my life.
Q You ever been out at all? A Yes sir.
Q You out during the war? A Yes sir, I was sent out before the war, down south.
Q Down to Texas? A Yes sir.
Q Did they bring you back after the war? A I come back after the war.
Q What time did you come back? A I come back as near as I can recollect just after this here treaty, I just heard them talking about the treaty, that's all I know about it.
Q You think you came back in the year '66 then? A Yes sir.
Q Were you a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q Who was it you belonged to? A I belonged to Lewis Rogers.
Q Was he a well known citizen of the Cherokee Nation? A Yes sir, he ought to be, he has been here long enough.
Q Give me the name of your father? A My father was named Sophie and Peter.
Q Your father wasn't named Sophie was he? A That was my mother.
Q Your father was what I asked you about? A Peter Rogers.
Q Is your father dead? A I don't know sir, they sold them to Mr. Bell.
Q Way before the war? A Yes sir.
Q Give me the name of your mother? A Sophie Rogers.
Q Did she belong to Lewis Rogers? A Yes sir.
Q Is she dead? A I don't know sir.
Q What became of her? A She was sold to Mr. Bell too.
Q Sold in Texas or where? A Sold out on Beatty's Prairie.
Q Was she sold as a slave out of the Cherokee Nation? A No sir, she was sold as a

Sarah London et al 2

citizen.

Q Was Mr. Bell a Cherokee citizen? A Yes sir, Mr. Bell was a Cherokee citizen, I see his son here.

Q Were you sold to Mr. Bell too? A No sir.

Q They kept you? A Yes sir.

Q You stayed with Lewis Rogers? A Yes sir.

Q How many times have you been married? A Once.

Q When were you married? A I couldn't tell you.

Q Did you marry before the war? A No sir, since the war.

Q Pretty soon after the war? A Yes sir.

Q What was the name of your husband? A Ed London.

Q Was he dead? A No sir, he is living.

Q He is a state man? A No sir, he is a Creek.

Q Is he enrolled as a Creek? A Yes sir.

Q Did you ever apply to enroll as a Creek? A Yes sir.

Q They didn't enroll you? A Oh, you say did I apply?

A Yes? A No sir.

Q Did you ever apply to be enrolled in any other nation except the Cherokee? A No sir.

Q You and Ed London still living together? A Yes sir.

Q How long have you been living in Muskogee? A Right smart while, I couldn't tell you exactly how long, I stayed out in Brushy Mountain a long time.

Q Did your husband ever live with you in the Cherokee Nation? A Yes sir, we lived in Brushy Mountain a long time.

Q Have you got anyone in the Cherokee Nation? A No sir, just working around there in Muskogee.

Q What are the names of your two youngest children? A Levi and Ham.

Q How old is Levi? A I couldn't tell you.

Witness, MINOR LONDON, re-called and further examined, by Commissioner Breckinridge:

Q How old is your brother, Levi? A 17.

Q What is the name of the next child to Levi? A Ham.

Q How is the next child? A 16.

Q Ham is the youngest of the children? A Yes sir.

Q There are no others that are 21, all the others are over 21?

A Yes sir.

Q Are these two children both living now? A Yes sir.

Q Where are they living, in Muskogee with their mother? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Kerna-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:

page 129 #3208 Sarah Rogers, Cooweescoowee District;

page 129 #3210 Lavy Rogers, Cooweescoowee District;

page 129 #3211 Ham Rogers, Cooweescoowee District.

THE REMAINDER OF TESTIMONY IN THIS CASE IS CONTINUED BY STENOGRAPHER CHARLES von WEHR;

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) M.D. Green.

Subscribed and sworn to before me this July 11th, 1901.

(signed) T.B. Needles.

Commissioner.

Sarah London 3

Continued from Stenographer, M.D.Green.
At Chelsea, I. T., June 7th, 1901.

BEN GRIMMETT, being sworn as a witness by Com'r C.R. Breckinridge testified as follows for the applicant:

By Commissionr:

- Q What is your name? A Ben Grimmett.
Q How old are you? A About 55 I guess, maybe older.
Q What is your post-office? A Nowata.
Q Do you live in the Cherokee Nation? A Yes sir.
Q How long have you lived here? A Raised here.
Q Were you out of the Cherokee Nation during the Civil war? A Yes sir.
Q Where to? A Kansas.
Q Do you know the applicant here? A Yes sir.
Q What is her name? A Sarah.
Q Sarah what? A Rogers.
Q She is married now isn't she? A I don't know nothing about her marriage, I don't live by her.
Q Did you know her before the war? A Yes sir.
Q Was she a slave? A Yes sir belonged to Lewis Rogers.
Q Was he a Cherokee citizen? A Yes sir.
Q Was she living here in the Cherokee Nation when the war broke out? A Yes sir.
Q When did you come back from Kansas? A In '66.
Q Did you know this woman in slavery days? A Yes sir, I used to see her.
Q Did you know her at that time? A Yes sir.
Q Did she live in your neighborhood? A No sir she lived about, to my knowledge about 12 miles from me.
Q When did you first see her when the war closed? A First at Fort Gibson.
Q How long after you got back here? A I just had got back, about three weeks after I came back.
Q Are you on the roll of 1880? A Yes sir.
Q That was before her marriage? A Yes sir, she wasn't married when I see her.

By Mr. Davenport for Cherokee Nation:

- Q Did you ever live in Tahlequah district? A Yes sir.
Q Was you ever up there before the court for anything? A Not as I know of.
Q Don't you know you was before the court for stealing and convicted and whipped publicly at Tahlequah? A Not as I know of.
Q Was you or was you not convicted and publicly whipped by the Sheriff of Tahlequah district for stealing? A I won't answer nothing that wasn't done lawfully, I won't answer nothing that was just done to keep my vote out, anything that was done lawfully I will answer.

By the Commission:

- Q You don't want to give in testimony to your own hurt, is that it?
Q It would not hurt me, no sir, if it was lawful I would answer it.

By Mr. Davenport:

We except to the commission's ruling in this.

By Mr. Davenport of the witness:

- Q When did you leave the Cherokee Nation to go to Kansas? A Time of the
Q Do you know where this woman was living at the breaking out of the war? A Yes sir.
Q Where was she living? A She was living I think in Coalingdale.

Sarah London 4

- Q Do you know? A Yes sir she was living there.
- Q In Coingsnake? A Yes sir.
- Q Was she a slave of Lewis T. Ridge at the breaking out of the war?
- A Yes sir.
- Q Where was Lewis T. Ridge living at the breaking out of the war?
- A I dont know.
- Q I will ask you if you dont know that he was a citizen of the state of Arkansas at the breaking out of the war and not living in the Cherokee nation at all then? A I dont know as he was living there
- Q Was or wasn't he not a citizen of the state of Arkansas and residing there then? A I cant tell you that.
- Q You hadn't seen him for some years in the Cherokee Nation before the war broke out had you? A I hadn't seed him just before the war.
- Q How long before the war broke out that you saw Lewis T. Ridge in the Cherokee nation? A About 20 years.
- Q Then you have no idea whatever as to where this woman was living and where Lewis T. Ridge was living when the war broke out? A I used to see this woman.
- Q But that was some years before the war broke out? A Not right in the neighborhood where I was living, but I seen her.
- Q You know as a matter of fact dont you, that Lewis T. Ridge, and his family did not live in the Cherokee Nation for a long time prior to the breaking out of the war, and that the Lewis T. Ridge family are not recognized citizens of the Cherokee Nation to-day? A No sir I dont.
- Q Did Lewis T. Ridge have any children? A Yes sir, if I am not mistaken, I was never to his house, just seed the colored people that he owned.
- Q Where did you see the colored people that he owned if you were never at his house? A (No response).
- Q Give me the name of one of Lewis T. Ridge's children? A I cant give the names.
- Q Did he have a boy named William Cornelius? A Yes sir I guess it was.
- Q You know he had one son? A Yes sir.
- Q Do you know where William Cornelius is living now? A I dont know.
- Q You claim to have seen this woman where after the war? A At Gibson.
- Q How old was she? A I dont know.
- Q Was she a child then? A No sir a woman.
- Q Grown woman? A Yes sir.
- Q How long did you stay with her when you were at Fort Gibson?
- A I didnt stay with her.
- Q You were living in Tahquah district before the war weren't you?
- A No sir in Flint.
- Q Who was she living with when you saw her at Fort Gibson right after the war? A There was three women staying there together.
- Q What was her name then? A Sarah.
- Q Sarah what? A Rogers.
- Q Did she stay then if she had left the Cherokee nation during the war? A No sir I never asked her.
- Q You didnt ask her where she had been living after the war broke out? A No sir.
- Q That was just after the war times and you colored folks were all coming back and meeting one another again, and yet you say you didnt ask her where she had been all through the war? A I was not there meeting people, I was selling and trafficking.
- Q You dont know if this was '66 or '68 that you saw this woman in Fort Gibson do you? A I hadn't been there long.
- Q Well you dont know when it was that you got back yourself do you?
- A Yes sir.
- Q When was it? A In '66, in the spring.
- Q How do you know it was? A I was told it was.
- Q Was it before or after the treaty? A I was inside of the treaty.
- Q Did you come back before or after the treaty was made? A Yes sir

Sarah London 5

Q Well which was it? A I dont know nothing about the days of the months.

Q But you would know if it was before or after the treaty was made- had you heard of the treaty having been made when you returned? A Never heard nothing about it then.

Q Did you come back in the fall or in the spring of the war?

A In the spring of '66 I tell you.

Q When you got back to Fort Gibson, did they tell you about the treaty? A No sir.

Q What made you come back then? A I was born and raised here and wanted to get back to my old home, I loved my home and wanted to get back to it, didn't know no other place but this as my home.

Q Was the war over? A Not quite done yet cause there was still soldiers here.

Q The troops were still here were they? A Yes sir.

Q Do you know what year this is? A No sir I dont.

Q Dont know anything except '66 do you? A Yes sir, but I dont know anything about your high language.

DAVID MARTIN, called and sworn as a witness, testified as follows, on the part of the applicant: Examined by the Commission:

Q What is your name? A David Martin.

Q What is your age? A 64.

Q What is your post-office address? A Coffeyville.

Q How long have you lived in the Cherokee Nation? A All my life only when I was out during the war.

Q Are you on the roll of 1860? A No sir.

By Mr. Davenport:

Q What do you know about this woman? A I knowed her owners.

Q How long before the war? A All my life.

Q Where were they living before the war? A On Sallisaw.

Q Who were her owners? A Lewis Ridge.

Q Did he have a "T" in his name? A No sir, that was his son.

Q Sometimes called Osage Tom? A Yes sir.

Q He had a son called Cornell? A No sir, he had, John, Ham, Pole and Tom.

Tom was the oldest, John next, Pole next, and Ham was the youngest.

Q Do you know where this woman was during the war? A No sir.

Q How long before the war did you see her? A In '59.

Q Where was you living then? A With Joe Martin, right joining place he had her young Missus for a wife, we was together all the time.

Q Do you know where the Ridge went? A No sir.

Q Are you able to state if they left the Territory? A No sir, I cant.

Q Where did you see this woman after the war closed? A Never saw her again until I saw her at the Wallace court.

By Commission:

Q You say that you lived on adjoining places to where this woman lived? A Yes sir, and some of the time on the same place.

Q Where did you go to during the war? A Kansas.

Q When did you go to Kansas? A I went to Texas in '61.

Q What time in '61, A I left in February of '61- I was in the woods scouting since '59.

Q How does it happen that you did not see this woman from '59 until the Wallace court, and that you did not know where she went during the war if you lived on adjoining places to her? A Well you see I was not at home from '59, I was in the woods scouting, from what I learned they taken this woman south during the war and I went north.

Q Why didnt you see her from '59 until '61 when you went to Kansas?

A I was not at home, I was in the woods scouting all the time.

March 1860

Applicant recalled and examined by the Commission

Q. What did you come back with to the Cherokee nation? A. With a whole

parcel of folks.

Q. Do you know if any of them are alive yet there with whom you

returned to the Cherokee nation? A. No sir it has been so long

since that I don't know if any of them is alive yet or not.

Q. Were you taken out into the State of Texas? A. No sir, Arkansas

there in Arkansas? A. A place called Fulton.

Q. What did you do down there-make crops? A. No sir, I was cooking.

Q. What did you first go to Fulton? A. Just a little before the war.

Q. About how long before the war? A. I can't tell exactly how long.

Q. Were you cooking in a private family there? A. Yes sir.

Q. Whose family? A. Mr. Crabtree's.

Q. Were you hired to him? A. Yes sir.

Q. And went with you to Fulton? A. A whole routine went-they carried

us.

Q. Did you stay there about Fulton and did you come back to the Cherokee

nation after the war? A. Yes sir.

Q. Where was your master Lewis Ridge at that time? A. He was dead be

fore the war.

Q. Who claimed you as an owner? A. Mrs. Ellen Ridge.

Q. Where was she when you were at Fulton? A. She was here in the

nation.

Q. Did she have many slaves? A. Yes sir a good many, she had my sis

ter.

Q. Who had charge of you when you went to Fulton? A. I don't remember

his name.

Q. What was not? A. One of them was a Cherokee, he was the man that

carried us there.

Q. Was he a farmer or a planter? A. I don't know.

Q. Did he claim to own you? A. Yes sir.

Q. What was his name? A. Crabtree.

Q. Was he a Cherokee man? A. No sir.

Q. Was he an Arkansas man? A. Yes sir.

Q. Did he own you when you went to Fulton? A. Yes sir he said that I

belonged to him.

Q. He took you to Fulton did he? A. Yes sir, and lots of us come back.

Q. Did you live with this man Crabtree until you were set free by the

war? A. Yes sir, they was Creek.

Q. What was Creek? A. Mrs. Crabtree's folks.

Q. Did you know Crabtree before you belonged to him? A. No sir.

Q. Did he have a home there at Fulton? A. Yes sir.

Q. Did he live in town or in the country? A. In the country.

Q. Did he have slaves there? A. Yes sir.

Q. Did he have slaves there before you went there? A. Yes sir he

had a whole parcel of them, all Indian servants.

Q. How many did he have? A. I don't know.

Q. Did you find them there at work when he brought you there? A. Yes

sir.

Q. Did they tell you where they were come from? A. Yes sir they all

come from the nation.

Q. Did Crabtree have a sister? A. Yes sir.

Q. What was her name? A. Emma's Creek.

Q. What was her name? A. Ella.

Q. Where was she?

Q. Yes that the same Crabtree family that lives in Arkansas? A. Yes

Sarah London, 7

JOHN ROSS, called and sworn as a witness, testified as follows for the applicant:

By the Commission:

Q What is your name? A John Ross.

Q How old are you? A 36.

Q What is your post office? A Muskogee.

Q Do you know the applicant here? A I have known her about ten years.

Q She is married is she? A Yes sir.

Q What is the name of her husband? A Ed London.

Q Has she been living with him as his wife ever since you have known her? A Yes sir.

Q They have a lot of grown children have they? A Yes sir.

Q You know the family do you? A Yes sir.

Applicant recalled and examined by Mr. Davenport:

Q Your own property there in Muskogee how do you? A No sir, I am working there is all.

By Don's Breckinridge: The applicant applies for herself and two children she are minors. She is identified on the Varn Clinton roll but not upon the roll of 1880 or that of 1896. It appears from the testimony that she was at one time a slave of a Cherokee citizen, but that she was sold prior to the war to a man, presumably a Creek, who lived near what is now known as Sutton, Arkansas, and that she was there taken before the breaking out of the Civil war, and lived there until she was set free by the war. She claims to have come to the Cherokee Nation in the year 1866. This is confirmed by two witnesses cited in the case, but her testimony is vague and does not convey an impression of being reliable; however, it appears that she has lived in the Cherokee Nation ever since she returned except some years in the Creek Nation. Her change of name arising from marriage is established in a satisfactory manner. Giving her the benefit of any doubts that may exist at this time, she will be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision will be made known to her at her post-office address. As for her two children, Levi and Ham, they are both minors, and applying under their mother's name. It is stated that neither the applicant nor any of the children have ever been enrolled as Creek, the only application that has been made for them being for enrollment as Cherokee Freedmen; the three children will be listed for enrollment as Cherokee Freedmen on a doubtful card to await the termination of the status of their mother, through whom they claim. The final decision of in their case will be made known to their mother at her post-office address.

Chas. von Veise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case from page 3 inclusive, and that the same is a full and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th of June, 1901, at Nowata, T. C.

(signed) Chas. von Veise,
(signed) T. B. Needles,
Commissioner.

To be filed in case of Sarah London SED-244-575

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 10, 1901.

In the matter of the application of Bettie McCormick for the enrollment of herself and eight children as Cherokee Freedmen; Bettie McCormick, being duly sworn and examined by Commissioner Brockbridge, testified as follows:

SUPPLEMENTALS to judgment.

MARAH LONDON, re-called and further examined testified as follows:

- Q Where did you say this daughter was born? A She was born on Spavinaw.
- Q In the Cherokee Nation? A Yes sir.
- Q Was that before the war? A Yes sir.
- Q You were out of the Cherokee nation during the war were you?
- A Yes sir, before the war started Miss Ellen went up to Texas.
- Q How long before it started? A It was a good while.
- Q Several years? A Yes sir, I reckon it was.
- Q Several years before the war began? A Yes sir.
- Q Where was it you lived down there in Texas? A I lived right down on a place now I can't call the name of that place, but there about it was on the side of the river, on Crabtree's place.
- Q Who was Crabtree? A I was Mount Crabtree's daddy, the one that lives right here in Muskogee.
- Q You were living on Crabtree's place, the father of Mount Crabtree who lives in Muskogee now? A Mount Crabtree's widow.
- Q Was Mount Crabtree a Creek? A Yes sir.
- Q Was his father a Creek? A No sir, white man.
- Q Mount Crabtree's mother was a Creek? A Yes sir.
- Q How long did you live with the Crabtree? A Until the surrender.
- Q Who was it you belonged to after you went to live with the Crabtree? A Lewis Rogers, he raised me, he was my first master.
- Q And he sold you to the Crabtree? A Miss Ellen Rogers did.
- Q Did you live with them until the war closed? A Yes sir.
- Q Was this child born when you went down to the Crabtree? A Yes sir.
- Q They took this child away from me and kept her here in the nation when I come back here she was about that high (indicating), and I taken her.
- Q About how old? A I couldn't tell you how old she was.
- Q She was a little thing was she? A Yes sir.
- Q This child then didn't go out of the Cherokee nation during the war? A No sir, it was after the war when she went out; when I come and got her and married her away from here.
- Q Where did you marry her? A I married her down there in Fulton.
- Q That's down in Arkansas? A Yes sir.
- Q When did it you married her? A No sir, that was after the war.
- Q Pretty soon after the war? A Yes sir.
- Q How did you happen to go down to Fulton? A I had been down there all the time, and I couldn't find none of my people up here that I knowed.
- Q Had you been down there about Fulton during the war? A Yes sir.
- Q Did this daughter ever work at Muskogee? A No sir, she was down there when the war was on.
- Q Did you go from Fulton to Muskogee? A No sir, I brought her down here and she was with me all the time.
- Q How long did she stay with you at Muskogee? A She was a little while, but I took her down and she was there when the war was on.

Setty McCormick et al continued page 3

down to Texarkana.

Q And there she married? Yes sir.

Q How long before the war was it that a daughter was born, was it as much as five or six or seven years? A Mister, I can't tell you and tell you the truth, because I don't know one year from another. Only Miss Ella said it was Christmas, and that's all I know about it.

Q When you were sold to the Grubtree they didn't sell this child with you? No sir.

Q They kept her back here? A Yes sir.

Q And then when you came back after the war you took her to Fulton with you? A Yes sir.

Q How did you happen to go back to Fulton after you came home after the war? A I couldn't find none of my people, and I knowed the people down there and I just went back; it was harder times here than that it was down there.

By Mr. Davenport:

Q When you came from Fulton back to the Territory after the war what route did you travel? A Big road.

Q How did you come? A Come afoot, walking; I walked down there and I walked back; Grubtree carried me down there and I walked down there.

Q There was some one went with you down there? A Yes sir, and some one came back with me too.

Q Who was it you came back with? A Liza and Rachel.

Q Your sisters? A No sir, no kin to me at all; they belong to the Nation.

Q You know how many children by Bettie McCormick was born while she was living in Texarkana? A Two, of them, Henry and Bertie.

Q They were born at Texarkana, Texas? A They was born there.

Q The others were born in the Creek and the Cherokee nations together? A Yes sir, as well as I can tell.

By Com'r Breckinridge:

Q When was it you say you first came back to the Cherokee nation after the war? A They said it was after '66, I don't know.

Q After '66? A It was just a little before that.

Q Little before what? A Little before '66.

Q You said just now after '66? A Person is liable to make mistake now.

Q What do you mean now? A I mean before, that's what I heard, I don't know.

Q How long did you stay here before you started back to Fulton?

A When I came back then I stayed here and about here ever since.

Q You told me just now you didn't find your people and went back to Fulton? A I stayed here a right smart while, and then I went back and stayed there a good while.

Q You told me you came back here at the close of the war and didn't find your people, and times were hard? A Yes sir.

Q And that then you turned around and walked back to Fulton? A Yes sir.

Q How long did you stay here before you turned around and walked back to Fulton? A I didn't stay here long, I guess I stayed here about a month or two.

Q Now that time you got here was it the first time you saw this girl after the war? A Yes sir.

Q And when you got back here you then saw her? A Yes sir.

Q You had been down at Fulton separated from your child? A Yes sir.

Q Then when you went back to Fulton that time you took her?

A Yes sir.

Q Now when she came back here from Fulton she was with William?

A Yes, there was William there. William was down there.

10)

Betsy McDermack • 3 al continued page 3.

Q Dook in Fulton? Yes sir.

Q And after William was born she came here? A Yes sir.

Q And stayed awhile and then she went to make this stay in Texas and got married? A Yes sir, that's the time she ran off from me.

Q She claims she didn't run off, she just went? A She run off.

Q She was of age wasn't she, and had a right to go where she wanted to? A I don't know.

Q How old was she when Will was born? A Said she was about 15 years old.

Q Her brother I think said she was about 20? A They don't know exactly and I don't know, we don't know exactly the children's age at all, because I don't know and I can't tell them.

Q How old was her child Will when she first brought him here?

A Like this one, indicating child in mother's arms.

Q Little thing in arms? A Yes sir.

Q How long did she stay before she ran off from you and made that visit back to Texarkana? A I reckon she stayed here about two or three years, as near as I can remember.

Q And then when did you see her next, how long was it? A It was a long time before I see her.

Q Where did you see her next? A Second time I see her she was down here in, I forget the name of the place now.

Q Some place in the Cherokee nation? A No sir, she was in the Creek nation.

Q Had she just come back from Texarkana? A Yes sir, she just had come back from Texarkana, and she was staying down there.

Q Down there in the Creek nation? A Yes sir.

Q Was that at Muskogee? A No sir, it was away below Muskogee.

Q On the railroad? A No sir, she wasn't on no railroad, out in the country.

Q That was a long time after she had left you and gone to Texarkana? A Yes sir.

Q Well now when she left that place in the Creek nation where did she go? A She come home then back in the Cherokee nation.

Q How long did she stay down there at that place in the Creek Nation? A She stayed down there at that as near as I can recollect, yes she had then two children.

Q That is Will and Henry? A Will and Henry and Bertha.

Q Was Bertha a little thing? A Yes sir, she was a baby then, and Henry he could run all about.

Q And then she came to the Cherokee nation? A Yes sir.

Q And then she has been living in the Cherokee Nation and the Creek Nation ever since? A Yes sir, ever since then.

Applicant, BETSY McDERMACK, recalled, and further examined, by Conr. Breckinridge.

Q You didn't tell me about your having lived at Fulton Arkansas? A Because I didn't know anything about it.

Q You stayed there until your child Will was born? A I don't know anything about it.

Q You stayed there until you were grown young woman, your child Will was born there? A No sir, he wasn't.

Q Your mother said he was? A She made a mistake.

Witness, SARAH LONDON, recalled and further examined, by Conr. Breckinridge.

Q Where do you say now Will was born? A I told you where Will was born.

Q At Fulton? A Yes sir.

~~Witness, SARAH LONDON, recalled and further examined, by Conr. Breckinridge.~~

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AUG 15 1901

Betsy McCrack et al continue

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy of the and that same is a true and complete copy of the original testimony of Sarah Borden and Betsy McCrack in above styled case as transcribed by stenographer, H.D. Green.

Subscribed and sworn to before me this August 15, 1901.

(signed) H.D. Green,
(signed) T.B. Hendon,
Commissioner.

H.D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original.

H.D. Green

Subscribed and sworn to before me this August 15th, 1901.

T.B. Hendon

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 10, 1901.

In the matter of the application of William London for the enrollment of himself as a Cherokee Freedman, being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q He has been sworn, give your name? A William London.
Q How old are you? A 28.
Q What is your post-office? A Kansas City now, stopping up there while.
Q Do you claim a home in the Cherokee Nation? A Yes sir.
Q What part of the Cherokee Nation do you claim to be your home, what district? A somewhere.
Q How is it you want to have put on the roll, your self? A Yes sir.
Q Anybody else? A No sir.
Q Are you married? A No sir, I am married.
Q How long have you been married? A No sir.
Q Where were you born? A They tell me in Kansas, this district, I don't know where at.
Q How long have you been up at Kansas City? A I went there this winter.
Q Were you ever there before this time? A No, not up there.
Q Where have you been now during your life? A I have been in Texas and Texas while.
Q How many times have you been down to Texas? A I stayed down there a while once.
Q You went there once and stayed a while? A Yes sir.
Q Did you ever go there another time and stay? A No, I stopped in the Chickasaw Nation, at Frank Goodens and worked for him, a Chickasaw Indian.
Q Have you been to Texas now but the one that you speak of? A No sir, I have been in Texas, worked on a railroad, on extra work, laying steel you know.
Q Building track? A Yes sir.
Q How long did you work at that? A Worked down there all the spring once, up until fall.
Q That was nearly a year? A Well yes, it was about a year I guess, nearly a year anyhow.
Q How many times have you had work up up in Kansas? A I never worked up there before, I worked over in Arkansas.
Q Where did you work in Arkansas? A I ran train porter from Fort Smith to Coffeyville in Kansas two years.
Q On the Valley Road? A Yes sir, on the Valley.
Q That was mostly in the Cherokee Nation wasn't it? A Yes sir.
Q Where did you live your home at that time, in Fort Smith? A Well didn't live only just as the train was delayed, thirty-six hours at each end of the road.
Q As much one place as another? A Yes sir.
Q Give me the name of your father? A No London.
Q He is alive? A Yes sir.
Q Give me the name of your mother? A Sarah London.
Q She is alive? A Yes sir.
Q Does your father claim to be a Cherokee Freedman? A No, he is a Creek.
Q Have you ever applied to be enrolled as a Creek? A No sir.
Q Have you ever applied to be enrolled with any other tribe? A No sir.
Q Is this your father's name? A Yes, my father's name is London.
Q Did you know a man named William McCord? A Yes sir.
Q Is there any of your family now in the roll of Indians? A No, I don't know any of them now.

William Henson, ex/ page 2

Q Were you? A Working for an Indian named Ben Gobb, Cherokee Indian, on or Brandy Mountain. He told me they had been travelling all the Freedom and was going to get on the hills.
Q Was that in 1907? A Yes sir, I was there attending to his horses.
Q Did you draw the Strip money? A Yes sir.

1900 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified therein.
1906 census roll of citizens of the Cherokee Nation examined and applicant not identified therein.
Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant identified therein as follows:

page 129 John Will Rogers, Coowasnowe Di st, 25 years old.
Q Was there any Will in your family except yourself? A There is a nephew whose name is not me.
Q What is his name? A William Rogers.
Q How old is he? A About twenty years old now.

Examined by Cherokee Representative, James Davenport:

Q How long did you live with your brother in Denison, Texas, or did you live there at all with him? A Yes, he stayed down there where I was staying.
Q About how long did he and you stay there? A He stayed there about nine months or ten.
Q Where was that? A That was here a short time ago.
Q Where had you been living prior to going to Denison? A I lived at Colbert.
Q Colbert in the Chickasaw Nation? A Yes sir.
Q How long did you stay at Colbert? A I worked down there two or three years with Frank Gooden.
Q Where did you go from to the Chickasaw Nation? A I went from there to Denison.
Q Did you come from Denison to Muskogee? A I came from Ft. Smith to Muskogee.
Q How long did you live in Ft. Smith? A Two years.
Q Can you remember when your mother was living at Pullen Arkansas, with the Greaves family? A No.
Q How you ever been to Pullen, Arkansas? A Yes, I have been through there several times.
Q Did you ever live there? A No sir.
Q You have been living in Kansas City, how long? A I went up there this winter.
Q You came from there here to enroll did you? A Yes sir, I am working up the road.
Q Have you no family? A No.

By Deputy District Attorney:

Q You didn't live at Pullen with your mother then? A No.
Q Are you in Kansas City, Kansas? A Yes sir.

Don't know the right. The applicant is identified on the Kern-Clifton roll and also on that he is a native of the Cherokee Nation. He has lived in the Cherokee Nation all his life, and says that two years ago he spent in the Chickasaw Nation, and that he is a year that he spent comparatively recently in the State of Texas, working like an oilman. That he spent in the State of Texas doing construction work on the railroad, and that he has been here since last winter until now when he has come here to enroll. He is a son of James Greaves, and it is stated that his mother was a daughter of a person on a plantation between Ft. Smith and Muskogee. He was born in 1882 for the purpose of a Cherokee.

COMMISSIONER OF THE GENERAL LAND OFFICE

UNITED STATES DEPARTMENT OF THE INTERIOR

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE
FROM THE SECRETARY OF THE INTERIOR

RE: [illegible]

[Signature]

[illegible]

William London 3

that he is not identified on the roll of 1901 or 1906; he is 25 years of age; and for fuller information in his case there will be filed with it a copy of the testimony in the case of his mother, with testimony the mother gave in the application made by and for her daughter, Mrs. Mary McCormack, including her testimony ordered to be filed in the mother's case also, Mrs. Sarah London, George's Freedom Number 577; his father is a Greek, and hence the applicant's claim is through his mother only; the final decision of the Commission will be made known to the applicant at his post-office address.

M.D. Owen, being first duly sworn states that he stenographed to the Commission to the Five Civilized Tribes and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 10, 1901.



Commissioner

[illegible]

Q. Now, you said that you were at Tucson from the time you were married? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.

Q. Now, you said that you were at Tucson from the time you were married? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.

Q. Now, you said that you were at Tucson from the time you were married? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.

Q. Now, you said that you were at Tucson from the time you were married? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.

Q. Now, you said that you were at Tucson from the time you were married? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.

Q. Now, you said that you were at Tucson from the time you were married? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.
Q. And you were not coming to the United States at that time? A. Yes, sir.

Q Which came out here first when you came out here to look, you or your husband, Ed? A Ed came first.
Q About how long before you came? A Ed came out here and stayed a year, I don't know whether he stayed a year before I come because I didn't make any crop that year before I come.
Q Did you go over in Canadian district near Mr. Lowrey's and Smith's?
A Yes, sir.
Q That is where you first came? A Yes, sir.

HENRY C. LOWREY, being duly sworn and examined by Commissioner Breckinridge, testified as follows, on behalf of Cherokee Nation:

Q Give me your full name, please? A Henry C. Lowrey.
Q How old are you? A 52.
Q What is your post office? A Muskogee.
Q You live in the Cherokee Nation, do you not? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A About 48 years, all my life nearly excepting the time during the war.
Q Were you born in the Cherokee Nation? A Yes, sir.
Q You lived there all your life then except during the war?
A Yes, sir.

MR. HASTINGS: Mr. Lowrey, did you know a colored man in Canadian district by the name of Ed London, whose wife was Sarah? A Yes, sir. I used to know him when he lived there, I don't live there now.

Q I will ask you to look at this woman and see if this is the woman?
A Yes, sir, that is Sarah London.
Q About when did you first know her husband, Ed London?
A I think about '84 or '85, along there somewhere.
Q Where did you know him and in what circumstances?
A They moved in our neighborhood, Canadian district.
Q Which came first? A The old man.
Q And about how long until his wife and family followed?
A I don't know, it may have been a year, I don't know what time he came in the spring something like a year.
Q Did you know from him where his family was? A Just what he said.
Q What did he say about it? A They said they was on the line of Arkansas and Texas, near Texarkana.
Q His family came out you say about a year after he came?
A Yes, sir.
Q That was your first acquaintance with them? A Yes, sir.
Q How long did they live in your neighborhood there? A About two years.
Q And then where did they go? A Went to Muskogee.
Q Have they lived about there since then? A Yes, sir, I have saw part of the family all the while there, especially the old man.
Q Do you know anything about his making arrangements to send for his family? A Oh, yes, that is they were talking about going after his family; he said they were coming from Texas.
Q You mean Texarkana? A Yes, sir, and he was making arrangements with his brother-in-law to go after them; he lived with his brother-in-law right by me, and I say they lived close to me, a mile and a half, after they first came in.

SARAH LONDON, the applicant, recalled: Com'r Breckinridge
Q Now, you have heard Mr. Lowrey's testimony, do you want to ask him any questions? A No, sir.
Q Has he made any mistakes that you want to correct? A No, sir; none at all.

McGOY SMITH, being duly sworn and examined by Commissioner Breckinridge, testified as follows, on behalf of Cherokee Nation:

- Q Give me your full name, please? A McGoy Smith.
Q How old are you? A 54.
Q What is your post office? A Braggs, Indian Territory.
Q How long have you lived in the Cherokee Nation? A 54 years.
Q All your life? A Born and raised here, yes, sir.
MR. HASTINGS: You know the applicant here, Sarah London?
A Yes, sir, I know her.
Q Did you know her husband, Ed London? A Yes, sir.
Q Smith, how long have you known either or both of them? A I have known Sarah 17 years.
Q Which did you know first, she or her husband? A Her husband.
Q Where did you first see her husband? A There in Gooseneck Bend, just above Mountain, about two miles above Brushy mountain.
Q What district? A Canadian.
Q There is a Gooseneck bend in Canadian? A Yes, sir.
Q Well, did he have his family there then? A No sir, not when I first saw him.
Q Do you know where his family was? A He said they were down at Texarkana.
Q Well, did you afterwards see his family? A Yes, sir.
Q About how long after you first saw him? A About a year.
Q Texarkana, Arkansas? A Yes, sir, that is the place.
Q And about a year afterwards you saw the applicant and family?
A Yes, sir.
Q Is that the first time you ever saw the applicant? A Yes, sir.
Q How long did they live in that neighborhood by you? A They were there about two years, and they moved up to Muskogee, and they went, I think they moved in the spring and that fall they came back down there to pick cotton, down in the neighborhood there.
Q How far did they live from you when they first came up in there?
A He came to her brother-in-law's first, that is a little more than a quarter of a mile, and stayed I don't know how long to Brushy Mountain, about a mile from me, and lived there about a year and the second year following from that lived right down in the hollow, six or seven hundred yards of my place.
Q You know the family well? A Yes, sir.
Q Do you know who moved them up there? A I think it was Ed's brother maybe, but I don't recollect his name. Brought them from Muskogee though I believe.

SARAH LONDON, applicant, recalled: Com'r Breckinridge:
Q Sarah London, you have heard this testimony, do you want to ask any questions? A No, sir.
Q Has he made any mistakes now that you want to correct? A No, sir.

FRANK SMITH, being sworn and examined by Commissioner Breckinridge, testified as follows, on part of Cherokee Nation:
Q Give me your full name, please? A Frank Smith.
Q How old are you? A 56.
Q What is your post office? A Braggs.
Q How long have you lived in the Cherokee Nation? A All my life.
MR. HASTINGS: Mr. Smith, you know this applicant sitting behind you, Sarah London? A Yes, sir, I see her, not very well acquainted with her.
Q Did you know her husband, Ed London? A Yes, sir.
Q When did you first see either of them and where? A I saw Ed about '83 on Gooseneck bend on the Arkansas river.
Q In what district? A Canadian.
Q Did you see his family after that? A Yes, sir.
Q About how long? A About a year I guess after he came in there his family come.

- Q Do you know where they went from when they came there? A No, sir, I have never had any talk with him.
- Q About how long did they live around there? A About year.
- Q And then where did they go? A Muskogee.
- Q That is about all you know about it? A Yes, sir.

SARAH LONDON, the applicant, recalled: Com'r Breckinridge:
Q Do you want to ask the witness any questions? A No, sir.

- J. F. VanHoy, being duly sworn and examined by Commissioner Breckinridge, testified as follows, on part of Cherokee Nation:
- Q Give me your full name, please? A J. F. VanHoy.
- Q How old are you? A I am 72, be 73 the first day of December next.
- Q What is your post office? A Fort Gibson.
- Q How long have you lived in the Cherokee Nation? A 50 years last Christmas.

- MR. HASTINGS: Mr. VanHoy, do you know this applicant, Sarah London? A Yes, sir.
- Q Did you know her before the war? A Yes, sir.
- Q Where was she first living when you first knew her? A On Spavinaw, at Lewis Rogers.
- Q In what district? A In Saline district.
- Q About how long before the war was it when you first knew her? A Oh, it was several years before the war, ten or 11 years somewhere along there.
- Q Are you well acquainted with Lewis Rogers? A Very well, sir.
- Q Were you about his place much? A Good deal, sir, I built houses there.
- Q Are you carpenter by trade? A Yes, sir.
- Q Did you know Lewis Rogers' wife? A Yes, sir.
- Q What was her name? A Ellen one of them, and the other one was named Lucy.
- Q Was Lewis Rogers alive when the war came up? A No, sir.
- Q How long had he been dead before the war? A I do not recollect, but I think Lewis Rogers died about '57, I think so.
- Q His wife survived him, lived after him? A Yes, sir.
- Q Now, were you about Lewis Rogers place and his wife's place after Lewis Rogers' death? A Very often, there was a store there down a mile from there then; I was one time with the family.
- Q Trading point was it? A Yes, sir.
- Q Do you know whether Sarah London was there just before the war come up or not? A Well, they told me they had sold Sarah, that is what they told me.
- Q Who told you? A Tom Rogers and Ellen Rogers.
- Q When did they tell you that? A About '58.
- Q Did they say to whom they sold her? A Man by the name of Crabtree, they said.
- Q Do you know where Crabtree lived? A No, sir.
- Q Well, did they say? A No, sir; I don't remember.
- Q Well, you say you were about Rogers' place frequently a few years before, immediately preceding the war? A Yes, sir.
- Q You didn't see her there? A No, sir, I didn't see her there I saw her sisters there.
- Q When was the first time you saw her since the war? A Well, sir, it was about '83 or '4 in Canadian district, I was passing a blackman's house and saw her and knew her and got over the fence and had a talk with her.
- Q Did she say where she had been? A Yes, sir, she said she had come back from Arkansas if I remember right.
- Q That was about 1864? A Yes, sir.
- Q Do you remember whether she went by her present name or not, London, or did you just call her Sarah? A I just called her Sarah;

there was a man there she called husband and I guess he was.
 Q Did she have some children? A Yes, sir, she had some children, but I didn't notice the children; I see her old man in a while at Muskogee and talk with him yet and ask him about Sarah.
 Q Do you know whether Rogers' wife is alive now or not? A She told me she was dead; that is, her son Tom told me she was.

SARAH LONDON, the applicant, recalled: Com'r Breckinridge:
 Q Are there any questions you want to ask the witness? A No, sir.
 Q Are there any mistakes he made? A No, sir.

R. L. MARTIN, being sworn and examined by Commissioner Breckinridge, testified as follows:
 Q Give your full name? A R. L. Martin.
 Q How old are you? A Going on 54.
 Q What is your post office? A Pensacola.
 Q In what district do you live? A Delaware district.
 Q How long have you lived in the Cherokee Nation? A All my life.
 MR. HASTINGS: Did you know Lewis Rogers before the war?

A Yes, sir.
 Q What relation, if any, was he to you? A He was my father-in-law; since the war I married his daughter.
 Q Did you know a slave that he formerly owned by the name of Sarah? A Yes, sir.
 Q I will ask you to look at this applicant and see if you recognize her? A I don't know as I could recognize her, it has been so long since I seen her.
 Q What was Lewis Rogers' wife's name? A Ellen, he had two wives at that time.
 Q Well, do you know what became of Sarah? A Yes, she fell into my father's hands and he sold her.
 Q Well, when did he sell her? A About '58 I reckon, I don't know just exactly the date.
 Q Do you know to whom he sold her? A Yes, I think the man's name was Crabtree.
 Q Do you know where Crabtree lived? A I understand he lived in Arkansas, I don't know him personally.
 Q You have never seen her since, or have you? A No, sir.
 Q You have never seen her since the war? A No, sir.
 COM'R BRECKINRIDGE: When did you first know this woman, Sarah, how long before the war? A I guess along about '57 or '8, I knew her before the old man Rogers died, I don't know just how long it was.
 Q You knew her some time before she came into your father's possession? A Yes, sir.
 Q She did belong to Lewis Rogers did she? A Yes, sir.
 Q How did your father happen to get possession of her? A It was by divisions of the estate, his wife was old man Rogers daughter.
 Q Your father's wife? A Yes, sir.
 Q And you knew Sarah while she was still the property of Lewis Rogers? A Yes, sir.
 Q Your father sold her then very soon after he got possession of her? A Yes, sir, I think it was in '58, it may be a little longer.
 Q How long did your father have possession of her? A I don't know, it could not have been long, I think old man Rogers died in '57.
 Q How far did your father live from Lewis Rogers? A At the time he died I think he lived right there, but he moved away about ten miles.
 Q Did this woman leave the farm of Lewis Rogers and come over to your father's house? A Yes, sir.
 Q Came and lived with your father until she was sold to Crabtree? A Yes, sir.

SARAH LONDON, the applicant, recalled: Com'r Breckinridge:

Q Sarah, you have heard the witness' statement, do you want to ask him any questions? A No, sir.

Q Has he made any mistakes? A No, sir, none.

Q Are you the Sarah that belonged to this witness' father?

A Yes, sir.

Q That is correct? Yes, sir.

Q And then he sold you to Crabtree? A Yes, sir.

Com'r Breckinridge: This will be filed as supplemental testimony in Cherokee Freedmen case D.#577, and sets of the testimony will also be filed in Cherokee Freedmen doubtful cases #649, 652, and 654.

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J. O. Roason, being first duly sworn states that as stenographer at the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

J. O. Roason

Subscribed and sworn to before me this October 2th, 1901.

[Signature]

Commissioner

Cher Fr D 655

Cher Fr D 655

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 10th 1901.

In the matter of the application of Gilbert Vann for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Gilbert Vann.
Q How old are you? A. I am 52 I guess.
Q What is your post office address? A. Oatoosa.
Q What district do you live in? A. Sooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Have you ever applied to be enrolled as a freedman of any other tribe or Nation? A. No sir.
Q Who do you want to have enrolled? A. Just myself.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir
Q On the 1886 roll? A. No sir on the Kern roll.
Q Did you draw Strip money? A. Yes sir.

Applicant not found on the 1886 and 1896 rolls of the Cherokee Nation

- Q Were you a slave? A. Yes sir.
Q Who did you belong to? A. Katie Vann.
Q Where did she live? A. In Saline District, Cherokee Nation
Q Was she a Cherokee citizen? A. Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A. Yes sir
Q Where to? A. They taken us the other side of Fort Scott Kansas.
Q When did you come back here? A. In '86.
Q Who did you come back with? A. Jodie Gilbert Vann, and brother George Vann.

Kern Clifton roll examined, and applicant found thereon as follows:
Page 118, No. 2798, Gilbert Vann, Sooweescoowee district.

- Q Are you married? A. Yes sir.
Q Is your wife a citizen? A. No sir, a citizen of the Creek Nation.
Q Are your children citizens of the Creek Nation? A. Yes sir.
Q Do they live in the Creek Nation? A. Yes sir.

By E. W. Hastings, Cherokee attorney-

- Q You say you are 52 years of age? A. Yes sir, that is what I reckon.
Q What kin are you to George Vann? A. My older brother, that brought me from Kansas to the Nation.
Q Why didn't you have him as a witness before the Kern Clifton court?
A. I had witnesses there, and Mr. Keys there knows that I did. I had Alec Hayline and the Webbers and he witnesses that I was all right and you didn't call in a witness.
Q What about some rebuttal testimony against you-- didn't Haywood testify against you? A. I don't know.
Q In your testimony at that time you never said anything about coming back with George Vann did you? A. No sir.
Q You testified that you come back with David Ross and lived there 3 or 5 years? A. Yes sir, and with my uncle Gilbert.
Q Why didn't you acknowledge to coming back with your brother George then? A. I was not allowed to speak of anything except what you asked me, that was not run like this court was.
Q What place in Kansas did you go to? A. Fort Scott.
Q Were you in the army? A. No sir.
Q Who did you work for down here after you come back? A. Worked a while for Judge Ross, we worked for him before the treaty was ratified.

Qul and Pee Roe was there and would know of you? A. Yes sir they would know it.

Q Had your brother George been here before that? A. Yes sir.

Q And went back after you? A. No sir ~~the~~ uncle and his son come down and get teams and went back after us.

Q Did your brother come here then? A. Yes sir, we all came before the treaty.

Q Where did you see Harry Still first after the war? A. I seed him in Fort Scott the first time, and then I seen him down here at this salt lick.

Q What was he doing there? A. He was living there at that time.

Q Who was he living with? A. His father I guess.

Q Was his mother there? A. I dont know his mother exactly.

Q What time did you see him there? A. Directly after we come back, one or two years after.

Q On what side of Grand river was that? A. On the east side in Saline district.

Q He was living then near the salt lick as you call it? A. Yes sir.

Q How did you happen up there? A. We was cutting wood there.

Q How far is that from Joel Bryants? A. I dont know.

Q He was making salt there wasn't he? A. Yes sir.

Q What year was that? A. The next year after we come back.

Q What time in the year did you come back? A. In the fall or summer I disremember which it was--in the fall.

Q You dont know if it was cold or warm weather? A. Cool, it was not cold.

Q Are you married? A. Yes sir.

Q What year did you marry? A. I dont remember.

Q You dont keep the dates down? A. No sir.

Q What year was your first child born? A. I dont know.

Q What year was your second one born? A. Second year after the first one.

Q You dont know the year? A. No sir.

Q Do you know when the Wallace court made its roll? A. No sir.

Q Do you know the year the Kern Clifton roll was made? A. No sir, I heard it but I forgot.

Q That was a very important year to you wasn't it? A. Yes sir.

Q Considerable money was paid out to the colored people then? A. Yes sir.

Q All the date that you remember is '66? A. No sir, but notices was sent to Kansas about the time and we come here before that time, that is how I know it.

Q What year is this? A. I disremember now.

Q Where did you first settle when you come back? A. On Spring creek.

Q Did you come in wagons? A. Yes sir.

Q Who was with you? A. Five families.

Q Name them? A. My fathers sister and her family, and there was Kate Vann and her family, and my uncle's ~~grandfather's~~ family, and there was my mother's sisters family, and there was Joe Vann and his brothers among the.

Q Was that all that come with you? A. Yes sir and I think of now.


Q Your brother George come with you? A. Yes sir.

Q Did you start from Fort Scott? A. No sir from Lawrence, at Dutch Henry's crossing.

Q How long did you stay here in the Cherokee Nation then? A. I was back and forth some times in the Creek Nation and some times here.

Q Where were you in 1867? A. Below Muskogee in the Cherokee district and in Saline.

Q Did you have any exciting times when you were down here? A. Yes sir we had a shooting.



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Page 10

- Q You was there at all the meetings of the Commission? A. No sir I wasn't there when he enrolled.
- Q You was 18 years old when you saw him? A. Yes sir.
- Q You were in the Horse Creek fight? A. Yes sir.
- Q You were the captain and there were older men there than you, some of them 30 years old or more? A. Yes sir, but you want me to tell you what happened.
- Q Yes sir. A. We had a fight before that and every one of them run except me and I stand and fought them off, and then they all said that they wanted me as captain that would fight and they voted for me.
- Q And you were the only one who would stand first? A. Yes sir.
- Q And you were only 18 years old then? A. Yes sir, and as tall as I am now and not afraid of anything.
- Q You didn't say a word about this Horse Creek fight before the Koss Klinton Commission did you? A. No sir because they didn't ask me.

Harry Still, called and sworn as a witness for the Applicant, testified as follows:

- Q What is your name? A. Harry Still.
- Q How old are you? A. 54.
- Q What is your post office address? A. Haydon.
- Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
- Q Is your name on the roll of 1866? A. I don't think it is.
- Q You have been listed for enrollment? A. Yes sir.
- Q Do you know this applicant? A. Yes sir.
- Q How long have you known him? A. Except I have known him 30 years.
- Q Was he a slave? A. I don't know sure.
- Q Where did you first see him? A. First time I ever saw Albert was at his several places, at Okseon, Fort Gibson.
- Q The first time where was it? A. Ft. Gibson.
- Q Then was that? A. In Ft. Gibson.
- Q Has he been living in the Cherokee Nation ever since? A. I think he has and in the Creek Nation.
- Q You don't know if he was a slave or not? A. No sir.

By Hastings:

- Q You know he married a Creek woman? A. No sir I don't.
- Q Do you know if he has any children? A. No sir I don't.

By Sam'l Beegles, -see

Albert Sam'l Beegles for himself; he is not identified in the rolls of 1866 or 1869; he is identified in the Koss Klinton roll; he swears that his wife is a Creek woman and that his children are all Creeks and enrolled in the Creek Nation; he swears that he was a slave and was taken out of the Cherokee Nation to Kansas and returned in 1866; he will be listed for enrollment as a Cherokee Freedman on a Government card and when the final decision is reached will be notified by mail.

That, on being taken from place to place, as a slave, to the Five Civilized Tribes, he was captured in 1861 and was taken to the above place and that the following is a full, true and correct transcript of his statement as given.

Page 54



Chas. W. ...

Subscribed and sworn to before me this 2nd day of June 1901 at
Hunting, N. Y.

[Signature]

[Signature]

RECEIVED
JUN 10 1901
HOLYOKE
MASS

No. *F* D 6551

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 1901

Given under my hand this
day of A. D. 1901.

.....
Marshal for the Cherokee Nation.

.....
I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of, 1901.

.....
Attorney for applicant.

.....
UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to
.....
on the day of A.D. 1901

.....
Subscribed and sworn to before me
this day of A.D. 1901.

.....
Notary Public.

.....
Proof of service made
and original filed with the
DAVES COMMISSION.

OCT 4 1901

NOTICE!

IN THE MATTER OF the application of Samuel L. Hunt
for enrollment as a Cherokee citizen:

Case No. D. 645

To

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory.

Indian Territory, on Sept 7 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 7 1901

M. W. Hastings
Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D.C., May 22, 1902.

In the matter of the application of Gilbert Ross for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO 2-552.

APPEARANCES:

L. P. Blodgett for applicant,
W. F. Hastings for Cherokee Nation.

TESTIMONY IN BEHALF OF APPLICANT.

JOHNNA ROSS, being first duly sworn, testified as follows:

Q. Now, BLINSON: What is your name? A. Jackson Ross.

Q. How old are you? A. 38 years old.

Q. Where do you live? A. Muskogee.

Q. Cherokee citizen by blood? A. Yes, sir.

Q. Upon the rolls of the Cherokee Nation? A. Yes, sir.

Q. Do you know Gilbert Ross? A. I do.

Q. How long have you known him, Mr. Ross? A. Well I have known him practically since '91; I have seen him before that, but then I didn't recognize him until '91.

Q. Do you know of him being a Cherokee citizen? A. Yes, sir.

MR. HASTINGS: You didn't know him before that? A. No, I didn't know him before '91.

MR. BLINSON: Well, that's the way I asked him. A. Well I had seen the man before, but I knew him definitely in '91.

Q. Where has he resided since '91? A. In the Creek Nation here.

Q. In the Creek Nation? A. Yes, sir.

Q. Is he a Creek citizen? A. No, sir.

Q. What is he? A. Cherokee Freedman.

Q. Has he ever exercised any rights as a Cherokee citizen? I mean as a Creek citizen? A. Not to my knowledge. I don't think he has.

Q. Why has he resided in the Creek Nation, if you know? A. Because he had a wife belonged in the Creek Nation.

Q. Married a Creek woman? A. Yes, sir.

Q. He has just simply resided here? A. Yes, sir.

Q. Because his wife was a Creek citizen? A. Yes, sir.

Q. And exercised no rights as a citizen of the Creek Nation, but has always been considered—

MR. HASTINGS: Don't tell about the consideration of the business, about the considering.

MR. BLINSON: Has he always been considered as a Cherokee?

MR. HASTINGS: I object to that, that's no testimony at all.

Now have you considered him? A. I have considered him as a Cherokee Freedman.

Q. You didn't consider him as a Cherokee citizen; there's a difference between a freedman and a Cherokee citizen. I mean that; he is living over here you know.

Q. You are not the Creek government are you? A. No, I'm not.

Q. Well are you an authority on Creek affairs? A. I am pretty good authority on it, sir.

Q. Then you get authority that the people of the Creek Nation are you? A. I don't say that.

Q. I am not making any statement to you, but I am to the man that hears you to have to make testimony that ought to be by record.

Q. And I have now that all of this testimony is given because the

whole of the testimony of this witness is incompetent and irrelevant except as to the residence of the applicant since '71, that being the only thing that has been testified by this witness that is relevant to this case, because as to whether his wife is a Creek citizen and all of these other things, all matters of record, they are obtainable and could be introduced.

MR. BLISSON (of witness): You are living in the Creek Nation are you not? A Yes, sir.

Q How long have you been living there? A I have been living here since '71.

Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 9th day of July, 1902.

J. R. Smith
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Gilbert Vann for enrollment as a Cherokee Freedman:

D E C I S I O N

The record in this case shows that on June 10, 1901, Gilbert Vann appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on May 26, 1902.

The evidence shows that the applicant, Gilbert Vann, was the slave of a Cherokee citizen at the beginning of the war of the rebellion and left the Cherokee Nation during said rebellion, but returned thereto in 1866.

The evidence further shows that the said Gilbert Vann has continuously resided in the Indian Territory since his return in 1866.

It is, therefore, the opinion of this Commission that Gilbert Vann should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 22, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Dixby

Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

(SIGNED)

W. F. Stanley

Commissioner.

Muskogee, Indian Territory,

this

JUL 1 1902

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-655.

Muskogee, Indian Territory, July 17, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

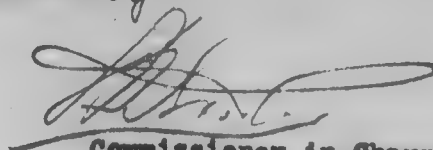
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting the application of Gilbert Vann for the enrollment of himself as a Cherokee Freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Enc. H-43.

Amel Rowe

Knows that
Gilbert Rowe did not
come with Bro Wm,
that he came to
Calif about 3 yrs
ago in 1858 &
that he went in a
short time to
Creek Nation where
he has continuously
resided -

Cher Fr D 656

Cher Fr D 656

File with Cherokee Freedman D-

156
Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 15, 1901.

In the matter of the application of Lewis Martin for the enrollment of himself, his wife and one child as Cherokee Freedmen.

Lewis Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Lewis Martin.
Q Who is it you want to apply for, anybody besides yourself?
A Just one child.
Q Yourself and one child? A Yes, sir.
Q Is that child under 21 years of age? A Yes, sir.
Q Is it unmarried? A Yes, sir.
Q Never been married? A No, sir.
Q How old are you? A No, I am about 62 years old.
Q What is your postoffice? A Chelsea.
Q In what district do you live? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation more or less ever since '66.
Q Where did you live before '66? A Before '66 I lived here till the breaking out of the war I went to Kansas.
Q You said you had been living in the Cherokee Nation more or less since 1866? A I was running around, I have been in the Cherokee Nation, I never lived anywhere particular, worked around, I worked in Kansas some of the time, my time has been here ever since '66.
Q Where did you live before the war broke out between the North and South? A I lived on Grand River.
Q Were you a slave in that time? A Yes, sir.
Q Were you a slave at the time the war broke out? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q To whom did you belong? A Joe Martin.
Q Was he a Cherokee citizen? A Yes, sir.
Q Have you been duly recognized and admitted to the rolls as a Cherokee Freedman? A No, sir, I am not.
Q Give me the name of your father? A My father's name was Harry Martin, was my owner's name.
Q Is he dead? A Yes, sir.
Q Has he been dead how long? A Well, I don't know, he died during of the war.
Q Give me the name of your mother? A Celia.
Q Is she dead? A Yes, sir.
Q How long since she died? A I don't know, about ten or twelve years as near as I can remember.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Was she duly recognized as a Cherokee Freedman? A No, sir, she was too old to ever get around to be recognized.
Q Give me the name of your child? A Ernest Martin.
Q How old is the child? A I think, as well as I can remember, it is about 12 years old.
Q Is your child living now? A Yes, sir.
Q Give me the name of the mother of that child? A Sarah.
Q Your wife Sarah? A Yes, sir.
Q Is she dead? A No, sir.
Q She is living, is she? A Yes, sir.
Q Have you and she parted? A No, sir.
Q Why don't you not apply for her? A Well, because she is a non citizen, she isn't a citizen.
Q When did you marry Sarah? A I married her I think about '64.
Q Where did you marry her? A Married her in Kansas.

Q Have you and her lived together as husband and wife ever since 1864? A Yes, sir.

Q How old is your wife? A I think, as well as I can remember, she is about 64 years old.

Q What district were you living in in 1830, or were you living in the Cherokee Nation? A Yes, sir.

Q What district were you in? A I was in Cooweescoowee part of the time.

Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.

Q Have you ever drawn money? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1898 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

A I am not on that I know; I know the reason why I am not.

Q Did you draw Cherokee strip money? A Yes, sir.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Lewis Martin on page 158, No. 3916, Cooweescoowee district, as Louis Martin.

Ernest Martin on page 158, No. 3918, Cooweescoowee district.

Sarah Martin not on Kern-Clifton roll.

The Wallace roll examined and the applicant Lewis Martin identified thereon, page 131, No. 2748, Cooweescoowee district.

Q Your wife Sarah, she is not on any roll at all? A No, sir, she is not a citizen.

Q Were you ever married except to her? A Yes, sir.

Q How many times were you married before you married her? A Only once.

Q Was your wife dead when you married Sarah? A Yes, sir.

Q Was Sarah ever married except to you? A Well, no, sir, she wasn't married before she married me.

Q Hadn't she ever lived with a man as husband and wife? A No, sir.

Q Well now, how comes it you are not on the roll of 1880; didn't you apply? A The reason I didn't apply a man used to live with me and another fellow I was acquainted with, he had went to enroll and they told him they wasn't enrolling any negroes that has been in Kansas, and I knew I had been there, and didn't go.

Q How comes it you are not on the 1898 roll? A I am not on the 1898 roll; I went towards the enrolling, I didn't go for that purpose, and I asked the question, what are you doing, and a man told me they were taking a roll of the Cherokees, and I didn't pay any more attention, I just walked off; I knew I wasn't any Cherokee.

Q You were up in Kansas during the war? A Yes, sir.

Q What time did you come from Kansas? A Come back in the fall of '66.

Q How did you happen to come back in '66? A Well, the postmaster was reading the paper, and he told me, and he asked me did I live in the Cherokee Nation before the war, and I told him yes, sir, and he said you people that belong in that Cherokee Nation down there have the same rights as they have, says if you will go back, and I told him at the time I didn't care nothing about it, I was a little afraid and he says don't be afraid, they have made a treaty and if you all go back you have the same rights as they have, and I pulled up and started.

Q You came back when you heard of that treaty? A Yes, sir.

Q You came back in order to keep your being in Kansas from counting against you? A I don't understand that.

Q Did you come back so as to be within the time fixed by the treaty?

A Yes, sir, that is what I aimed to do.

Q Did you understand that if you come back within a certain time that your being in Kansas wouldn't count against you? A Yes, sir, he told me if I came back in '66, he says you will be a citizen of that

country.

Q That is what you understood at the time? A That is the way I understood it.

Q Is that your object then in coming back in '66? A Yes, sir, that was my object.

Q So as to get your rights? A So as to get my rights.

Q So your being in Kansas wouldn't be counted against you? A That is what I thought.

Q How comes it when you went to enroll in 1880 you didn't go on up to be enrolled, when somebody mentioned you has been in Kansas?

A Well, I told you one reason I didn't go: I didn't have any one to go with me, I had got bushwhacked once and I was afraid to go around much, I was bushwhacked coming back from Kansas and three got killed out of my crowd.

Q Were you still afraid of that in 1880? A Yes, sir, I was still afraid of that and I am still afraid of running about by myself.

By J. S. Davenport, Cherokee Attorney: Where were you living in 1880

A I didn't have any established home, I was working around living along with my people, with my brothers wife, Junie, I didn't have any regular home, I didn't stationary myself at all, because I was hard up and didn't have nothing.

Q Did you have any family? A I have got a family, but my family wasn't with me.

Q Where was your family in 1880? A They were here sometimes.

Q Wesn't they living in 1880 in Kansas? A They was here part of the time in 1880, and part of the time in Kansas.

Q What part of the time in 1880? A I can't tell you just what month they were here, they were there some and some here.

Q The some they were making the roll down here they were that some up in Kansas? A No, sir, they wasn't.

Q When you came back from Kansas just after the close of the war, what year was that you came back to the Territory? A I came about '66.

Q Didn't you come back first according to your own testimony in '65? A I came back here and went to Fort Gibson driving a train in '65 or '4.

Q And you went back to Kansas after that? A Yes, sir.

Q And the next time you came back was in '67? A No, I came here in '66, I came here in '66 sure.

Q You testified before the Kern-Clifton Commission, didn't you?

A Yes, sir.

Q Didn't you testify there that you came down to the Territory in '65 and made a crop, went back to Kansas, and then came back?

A No, sir.

Q (Reading) "I was bushwhacked on my way to Fort Gibson on Horse Creek, they killed three of our crowd, I came back the last time in 1867." Now did you testify to that or not before the Kern-Clifton Commission? A I did not, it was a mistake some way or other, for it was in '66 when I came back.

Q For several years you lived in Kansas and the Territory and back and forth just anywhere? A I lived in Kansas not a year since '66.

Q But you have been living there? A I have worked there, I am living anywhere where a man stops.

Q Did your wife and children live up there for quite a while after 1866? A No, sir.

Q Did they ever live there at all? A Lived there; when she wanted to go back there, when she wanted to be confined, her mother lived there, and she would live with her.

Q Where did you first locate and make a home in the Cherokee Nation after you came back? A I didn't build any place, I just located on Pryor Creek right close to my sister, and I just kept an improvements up there, the claim.

Q What part of Pryor Creek? A I can't tell you; close where my sister lives, eight or ten miles north of Chulasa.

Q When was that? A I can't tell you, that has been 18 or 19 years ago.

Q That was the time you came back from Kansas? A No it wasn't.

Q Where did you live in the Cherokee Nation before you lived up there on Pryor Creek? A I lived some here in Vinita around north of Vinita and south of Vinita.

Q Who was living in Vinita at the time? A Lots of people, I don't know.

Q About what year was that? A I can't tell you just what year that was either.

Q Was that before or after the railroads were built to Vinita?

A It was after the railroad was built I lived here.

Q Did you come to Vinita and locate immediately after you came from Kansas? A No, sir.

Q Where did you locate before you came to Vinita? A I tell you I stayed a while with Mose Riley before that, they are relations of mine, I stayed with them.

Q Where did Mose Riley live? A He lived out west of Chelsea, northwest of a while.

Q That is where your sister lived? A No, I have got no sister, I have one sister living, none out there, no, sir.

Q Where did you live before you went to Mose Riley's, after you came back to the Cherokee Nation? A I tell you I never had any stationary home at all, I just lived here and there, where I could get a job, I never built.

Q Where did the other people live you stayed with? A I tell you I never stayed with none, I just went around with my kin people, I stayed a while with Riley and I stayed at my sister's and I stayed at Dave Martin's on Big Creek, and another cousin of mine called Nellie Wilson.

Q Who did you stay with when you were living in Vinita? A I stayed with my own people.

Q Who were your own people? A My family, they were living in Vinita then.

Q Did they have any name? A Yes, sir.

Q Why can't you tell the name? A There was my wife, and Bill my stepson.

Q Bill who? A Bill Martin they called him, and George Martin, Fred Martin, Fannette Martin.

Q They were all living here in Vinita at that time? A Yes, sir.

Q There was that town in Kansas that that postmaster called your attention to the treaty being made? A It was in a little town they called Mapleton.

Q Was there any railroad there at that time? A No, sir.

Q How far was it to a railroad from where you lived? A I can't tell you, I don't recollect whether there was any railroad at all.

Q About how far from the Cherokee line? A I can't tell you that.

Q Was it in sight of the line? A In sight, why not that I know of.

Q How long did it take you to reach the line of the Cherokee Nation when you started? A I don't know where the line was and don't yet.

Q Where do you live now? A I live near Chelsea.

Q You have lived here since '66 you say? A Yes, sir, from time I got, I was here living.

Q And you don't know where the line of the Cherokee Nation is between the Nation and Kansas? A No, I don't.

Q Have you ever been back to Kansas since '66? A Yes, sir.

Q How do you know when you got back to Kansas? A When I came to the town I know it was Kansas.

Commissioner: How many children have you altogether? A I have five I believe, as well as I can recollect.

Q What are their names? What is the name of the oldest one?

A My eldest one is named John.
 Q How old is John? A I don't know just exactly, I can't tell, he is something in thirty.
 Q What is the name of the next child? A George.
 Q How old is George? A George I think is thirty something too.
 Q The next child? A Fred.
 Q How old is Fred? A He is 24 or 25, I just can't remember their ages, I haven't got them down.
 Q What is the next child after Fred? A Albert.
 Q How old is Albert? A He is about 21 years old.
 Q What is the next child? A He is about 18.
 Q What is his name, Ernest? A Yes, sir.
 Q That is the child you are applying for? A Yes, sir.
 Q Where was John born? A John was born in Kansas.
 Q Where was George born? A In Kansas.
 Q Where was Fred born? A In Kansas.
 Q Where was Albert born? A In Kansas.
 Q Where was Ernest born? A Out here near Chelsea.
 Q Are you keeping house in the Cherokee Nation now? A Yes, sir.
 Q Where is your house? A My house is out about three miles north of Chelsea.
 Q How long have you lived there? A 13 or 14 years, as well as I can recollect.
 Q Been living there in that one house? A Yes, sir.
 Q Did you ever keep house before that? A No, not always.
 Q Have you any other children besides these five you have named here? A Yes, there is another child there, he is a stepchild.
 Q Have you any children of your own I mean, you and this wife?
 A Yes, sir, I had one.
 Q That one is dead? A Yes, sir.
 Q What was the name of that child? A She was named Eliza.
 Q How old would she be if she was living now? A I can't tell you, she was born before the war.
 Q She was older than John? A Yes, sir.
 Q Where was she born? A She was born here in the Territory before the war.
 Q Before the war you think? A Well, I think just about the beginning of the war, or maybe before.
 Q Is she the child of this woman Sarah? A No, sir.
 Q Child of another woman? A Yes, sir, she is dead.
 Q That is the first wife you had? A Yes, sir.
 Q You say that you and your family have never kept house except in the house where you are living now? A No, never kept house, never here, I brought all my things here in '66, I never had nothing, and left them up on Spring Creek and never got them.
 Q Has your wife been with you all the time in your roving backwards and forwards? A No, she wasn't with me, sometimes I would send for her and, sometimes I would go myself, send her back to her mother.
 Q To Kansas? A Yes, sir, her mother lived there.
 Q Sometimes you would take her? A No, I never took her myself nary a time.
 Q Well, now you told me that you had been living in the Cherokee Nation off and on, and you have been in Kansas, and to the Cherokee Nation off and on? A I have been there yes, sometimes.
 Q Now all your information is of an extremely indefinite character, can't you tell me in plain, practical, common-sense way just where you and your wife and all these children have been spending your time since 1866? A Yes I can tell you.
 Q Well do so? A Well, I will tell you.
 Q Give me the names of the places and the times you have lived at these places, you have had too much of a family just to be a rolling stone all the time? A Well, they were not rolling all the time. Three of these biggest children has stayed with their mother,

Q.

Q. These granadillas, the highest part of the tree.

Q. I am talking about you too? A. Well maybe I was here working around and sometimes I would work up there in houses, I would work sometimes two months or three months and I would come down here.

Q. Have you had any settled abiding place at all? A. No, sir, not a year at a time.

Q. Have you not been stationed at the place for several years?

A. No, sir, not since 1880, or up till 1880, no, sir.

Q. Not been staying as much as one year at a place? A. Yes, I have stayed as much as a year.

Q. How many times have you stayed at one place as much as one year?

A. Only a time but once.

Q. That was that? A. I can't tell you the year at all, it has been some time ago.

Q. Was it before 1880? A. I think it was as well as I can remember.

Q. Just working from pillar to post? A. Just worked where I could get a job.

Q. And your wife not going around on these little trips with you?

A. No, sir.

Q. Did you ever vote up there in Kansas? A. No, sir.

Q. Have you anybody here who knows that you and your wife have been married? A. Yes, sir.

Q. Who is there here? A. To be seen.

TOBE BEAN, being duly sworn and examined by Commissioner Breakinridge, testified as follows:

Q. Give me your name? A. To be Bean.

Q. How old are you? A. About 40 years old.

Q. What is your postoffice? A. Vinita.

Q. How long have you lived in the Cherokee Nation? A. Been living here all my life.

Q. Do you know this applicant here, Lewis Martin? A. Yes, sir.

Q. How long have you known him? A. Been knowing him forty or fifty years I guess, we were boys together.

Q. Do you know his wife? A. Yes, sir.

Q. What is her name? A. Sarah.

Q. Was this man ever married except to this woman? A. Yes, sir.

Q. How many times? A. Once is all I know of.

Q. Was that wife dead when he married this woman? A. Yes, sir.

Q. About how long have he and this woman Sarah been married?

A. Must be thirty some odd years I guess.

Q. Have they been living together ever since as husband and wife?

A. Yes, sir, to my knowing.

Q. Where did you first know his wife Sarah? A. Up in Kansas at Maple on.

Q. Where is she at that time? A. She is up in Panther Creek.

Q. How long has she been living out there? A. I don't know how long she has been living there.

Q. How far is that from Vinita? A. About twenty miles, out the other side of Chalkosnee.

Q. Has she been living there long? A. Yes, sir.

Q. Is she keeping house out there? A. Yes, sir.

Q. Who lives there with her? A. Mr. Martin here and his family lives there.

Q. Any children living there with them? A. Yes, sir.

Q. You don't know how long they have been living out there?

A. No, sir, I can't know anything.

Q. You think that is twenty miles or was that nearer some place?

A. Yes, sir.

Q. Have they been living there as much as five years? A. Possibly, longer than that I guess.

Q They have been living there as much as seven years? A Yes, sir, I reckon seven years or longer, been longer I guess, I don't know exactly when he moved there? I live out spot here and he lives west out there.

Q Have you ever been to that house? A Yes, sir, been to that house.

Q You know just where it is? A Yes, sir.

Q How often have you as a general thing seen this man Lewis Martin, say along for the last twenty years? A Seen him every six or eight months? A Yes, sir, sometimes about a year before I see him, we live a good piece apart so see him pretty often.

Q What do you know about his sojourn along from '06 down to this time, where has he been living? A Living at Vinita a while, and Pryor Creek, and I don't know where he did live.

Q I see who has got a family of children and a wife, generally every man has some kind of a living place where has he been making his home mostly since '06 or '07, since the war stopped? A Out on Pryor Creek I reckon, but he lives a good piece from me, I haven't been keeping the run of him. I see him once in a while though.

Q You have been seeing him every six or eight months or a year?

A Yes, sir, sometimes maybe a year.

Q And you don't know where he has been living during that time?

A No, sir.

Q Can you name any place that he has been making his home except out here on Panther Creek? A Lived here at Vinita a while.

Q How long did he live in Vinita? A I don't know exactly how long I know he was a shop or two.

Q Do you know where he has been, any other place except Panther Creek and Vinita? A I heard he was living on Pryor Creek, I never seen him when he lived down at there.

Q That is all you can say about where he has been living and all that? A Yes, sir.

Mr. Davenport: Where was he living when you first got acquainted with his wife Sarah? A In Kansas.

Q About how long has that been? A About thirty some odd years ago.

Q Do you know whether or not he moved from Kansas to this place out here north of Chelsea where he is living with his family now?

A No, sir, I don't think he did, for he lived at Vinita before he moved there.

Q Do you know whether or not his family ever lived at Vinita?

A Yes, sir.

Q Anywhere near this place out there near Rollin K. Vair's place out north from there? A I don't know, I know his place must be two or three miles northwest of Chelsea.

LEWIS MARTIN, recalled, testified:

Commissioner: The Commission has not yet decided whether a person can acquire rights as a Freedman by intermarriage, and your wife, if you have rights, may have rights as an intermarried Cherokee Freedman. So you had better include her in your application. You agree to that, do you? A Yes, sir.

Commissioner: The applicant applies for the enrollment of himself, his wife and one child. The applicant is identified on the Wallace roll and on the East-Whitten roll. He is not identified on the Roll of 1880 or on the census roll of 1890. The testimony in regard to his residence after the war will need to be carefully considered. It is not contested that he was a Cherokee slave before the breaking out of the war, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

His wife is not identified on any roll, but it is shown in a satisfactory manner that they were married some thirty

four or more years ago. The applicant states that he was once previously married, but this former wife was dead when he married his present wife, and that this present wife was never married except to him. They were married in the State of Kansas. For the further consideration of her rights, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

The child, Ernest Martin, said to be 18 years of age, and now living, is identified on the Kern-Clifton roll, but not upon the census roll of 1880. This child will now be listed with his father and mother as a Cherokee Freedman on a doubtful card.

Bruce D. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce D. Jones.

Given to and subscribed before me this 15th of May, 1901.

Signed, T. S. Needles,
Commissioner.

Supplemental Testimony

Mallett & Smith for applicant

To be filed with C.F.D. 289

W. W. Hastings for Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., June 8th, 1901.

GEORGE WESS VANN, called and sworn by Commissioner T. S. Needles testified as follows for the applicant:

By Smith of counsel for applicant:

Q What is your name? A George Wess Vann.

Q Where do you live? A On Verdugo River, Coconino district.

Q Is the Cherokee Nation? A Yes, sir.

Q Are you on the 1880 roll? A Yes, sir.

Q Do you know Lewis Martin? A Yes, sir.

Q How far does he live from Oklahoma? A I guess about three miles.

Q About how long has he lived there? A I don't know how long.

Q How long have you known of his having lived there? A Since about '94 I think.

Q Were you asked to testify in his case as witness? A Yes, sir.

Q Did you go there for that purpose? A Yes, sir but he never went into the tent to apply while I was there, I was on the jury as court and had to go back to court.

Q How long have you known this Lewis Martin? A I had seen him a time or two, he came in the same crowd I did in '86.

Q Where did you come from and where did you come to? A From Kansas to the Cherokee Nation.

Q When was that? A In '86.

Q Was this man Lewis Martin one of the parties that was with you? A Yes, sir, at that Horse Creek battle.

Q What do you mean by the Horse Creek battle? A I fight where we had three men killed and one wounded.

Q Who did you fight with? A I don't know, the all run off.

Q Where was that fight? A At Horse Creek, in the Cherokee Nation.

Q Do you know what became of Lewis Martin after the fight? A He went with us there as I lived.

Q Where? A Spring Creek.

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Q How long did it take you to go from Horse Creek to where you lived on Spring Creek? A I don't know exactly, think it was about a day and a quarter.

Q How long did you stay at your place? A Week or two.

Q Where did he go from there? A He said he went to Kansas, I saw him two years after that.

Q Where? A On Grand river.

Q What was he doing there? A I just saw him there, I was at a camp meeting.

Q The next time you saw him was when? A The next time I saw him was out here in '92.

Q Where was that? A On the Verdigris.

Q Where has he been since that? A I have seen him in Coconino county district off and on since.

Q Near what place? A Chelsea.

By F. V. Hastings for the Cherokee Nation:

Q How old are you? A 51 years old.

Q Where were you born? A On Spring Creek.

Q Who did you go to Kansas with? A Went with my Uncle Gilbert and a whole raft of colored people, three or four hundred.

Q What point in Kansas were you when you started back here? A Franklin county, near Oologah.

Q Who did you say came back with you? A Well I didn't say this time - do you want me to tell all that was along?

Q Yes sir all that was in that crowd of which you have stated at other times you were captain of? A Well there was Uncle Sam and Eli Vann and Glorie Chouteau; Art Bean, Walter Vann, Dave Vann, Dennis Vann, Young Gilbert Vann, old man Gilbert Vann, Susie Vann, Kate Vann, Lizzie Vann, aunt Lucy Vann, Patsy Vann, Bill Sanders, Ebbis Shaw, Jess Shaw, Jate Shaw, aunt Mary Musgrove, Janie Musgrove, Jack Bean, Wess Vann, Jess Vann, there was a colored fellow Creek fello along I can't think of his name, Martha Vann, Kate Vann, Boots Vann, Young Sam Vann, Mandy Vann, that is all I can remember just now, whole lot more and a lot of little children I don't remember.

Q You was 16 years old then? A Yes sir.

Q You testify that you were the captain of that crowd? A Yes sir.

Q And there were some of those men along who were 50 and 60 years old wasn't there? A Yes sir.

Q Who were the men that were killed in that fight? A Wess Vann, Phil Daniels and Jesse Vann, and then Tobe Bean was shot through the arm, a flesh wound.

Q About what part of Horse Creek was that fight? A I don't know.

Q How far from the Kansas line? A I don't know that either.

Q How far from where it empties into Grand river? A I can't tell you that.

Q About how far, 10 or 15 miles? A I don't know, I wasn't up at the mouth.

Q About how far from where Arden is? A I don't know where that is then.

Q Did you go right on after that fight? A Yes sir.

Q They had this case questioned up five years ago before the Kern's court? A Yes sir.

Q Had you then ever testify that you were captain of that crowd and had a fight on Horse Creek? A No sir, they never asked me about it.

Q You didn't testify about it? A No sir.

Chas. von Meier, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Meier.

Subscribed and sworn to before me this 15th of June, 1901, at

Chas. S. Jones, I. T.

Signed, F. S. Needles,
Commissioner.

Chas. S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that the same is a true and correct copy from the originals.

Chas. S. Jones

Sworn to and subscribed before me this the 2nd of August, 1901.

[Signature]

Commissioner.

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File with Cherokee Treason, D-656

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. S. June 19, 1901.

In the matter of the Application of Tobias Beam et al. for
enrollment as Cherokee Freedmen.

Appearances:

Walter A. Smith, attorneys for applicants;

W. F. Hastings, of counsel for Cherokee Nation.

Jesse Cochran, being duly sworn by Commissioner Needles, tes-
tified as follows:

Q Mr. Hastings: What is your name? A Jesse Cochran.

Q What is your age? A About 53.

Q Where were you born? A Born in the Cherokee Nation.

Q Cherokee by blood? A Yes, sir.

Q Did you go out of the Nation during the war? A No, sir.

Q Where did you live in '45 and '60? A Out here on Grand River,
it was known as the Johnson Thompson place.

Q A quick house there? A Yes, sir.

Q Mr. Cochran, was your father living with you in '65? A Yes, sir.

Q When did your father die? A In the fall of '66, he was killed
the night of October.

Q Where was he killed? A On the military road at what was
known as the Bob Denton's place.

Q How far was that from the place you are living? A It is about
three miles.

Q On what side of the Grand River were you living? A It would be
on the west side, same side the military road was.

Q Do you know Bob Denton's Knight, who is a witness here in this case?

A No, sir, not that time.

Q You didn't know him then? A No, sir.

Q Do you know him now? A Yes, sir.

Q Did you take any steps after your father's death to apprehend,
to catch the people who did the killing? A Yes, sir, I went and got
the sheriff and his posse, we were trying to find the man that killed
him, his name is Lewis Witherspoon.

Q Where did you go? A I went up right northwest on what is
known as Cabin Creek, over near the Lee Schrimsher place, and couldn't
see any track of a wagon, which I thought he had gone and left in a
wagon, and then I came across northeast in the direction of Horse Creek
and I found the place what was known as the old Knight place, it
would have been about the first of November.

Q After your father was killed? A Yes, sir.

Q Was anyone living there at that time? A No, sir, there wasn't
anyone there at all.

Q You took an examination of the house at that time? A Well,
we just rode around there, there wasn't a soul in there, it was open
and vacant. I had been there before.

Q You made an examination and wasn't anybody living there? A No,
sir.

Q Did you have occasion to pass by this same house after that?

A Yes, sir.

Q About how long after that? A It was along in about, I would
say about the 15th of October or November.

Q Of that year? A The next year.

Q Was anyone living there at that time? A No, sir.

Q Do you have any other place lived in that house? A No, sir, I
don't.

Q What kind of place was it? A On the military road, I know
it was the old Knight place.

Q Was it a quick house? A It was a quick house.

Q When did you move away from the Thompson place on Grand River?
A In the spring of '57.

Q Up to that time, did you hear of any fight made upon any
negroes on Horse Creek in the Cherokee Nation?

Mr. Mallette: I object to the question as not material
in this case. It is pure hearsay.

Mr. Hastings: It is a circumstance that unquestionably
ought to be admitted.

Commissioner: Now, I think that is a material question.

Q Did you know of any? A Yes, just heard of it.
Q Did you hear of it at that time? A In 1847, the fall that
went on to Smith Creek to the place where the name of Mani
was selling goods there, and they told me the soldiers had just
passed.

Q Don't tell what they said, the others. A That is the only way
I got any information there had been a fight.

Q You hadn't heard of any fight before you went to the night
place in '57. A No, sir.

Q Do you know this statement, that Mani A I don't know whether
I do or not. In the last few years I might have seen him a time or
two; at that time I don't think I knew him.

Q How far were you living from Smith Creek and Smith River when
your father was killed in October of 1852? A It must have been
about two miles, just where the road crosses the river, might not
have been that far.

Q You didn't know Robt. Mani then? A No, I knew the others that
was living there.

Q You were acquainted with the other colored people who were living
over there? A Yes, sir.

Q Did you ever see Robt. Mani ever there in that year? A I don't
remember whether I did or not.

Mr. Mallette: They had a good many fights around through this
country about that time, didn't they? A No, sir, there wasn't
any as I know of.

Q No fights at all? A At that time there wasn't nobody killed.

Q Well, there was when my father got killed a month before that.

Q Where did he get killed? A On the military road.

Q Could a fight have occurred and you not heard of it? A It
might have been, but I never heard of any.

Q Do you claim to have heard of every fight that occurred in this
country? A That was after the war, it was people you know.

Q Do you swear that you heard of every fight that occurred?

A Yes, I would remember it if I did hear it. I don't think I
heard of any.

Q Where did you say you lived along about that time? A On Grand
River.

Q How old were you then? A Well, I must have been nearly 20
years old.

Q What part of Grand River did you live? A In 56, as I said,
where I was living at what was known as the John Thompson place, a
brick house.

Q Near what place on Grand River was that? A I believe they call it
the Ketchikan place now.

Q On which side of the river were you living? A I would call it
on the east side of the river.

Q You couldn't be wrong? A No, sir, I'm sure.

Q Mr. Hastings has asked you to swear that the night place
was place is also the place where the fight occurred. A Well, that is
what I believe.

Q Now for the name of the place, what was the name of the place?

A I don't know the name of the place.

Q Now for the name of the place, what was the name of the place?

A I don't know the name of the place.

Q. No where that house stood? A. Yes, sir.

Q. Those place was that? A. It was known as the Knight place, it was vacant though.

Q. How often had you been up in that country? A. Well, I can't tell you just how often I had.

Q. I just want to know how often you had been up in that country? A. I had been to that place three times that year.

Q. Do you remember every place, do you remember for 35 years afterwards every place that was vacant at that time? A. Yes, sir, I do.

Q. You can remember the every place that you passed by in 1866 that was vacant at that time? A. Yes, sir, there wasn't but one old place between there, north at the Ben Johnson place, that was the only place there was there.

Q. You just passed by those places in question? A. Yes, sir.

Q. Came right through that country? A. Yes, sir, came on the military road.

Q. How did you say was with you? A. My father when I first got acquainted with the place.

Q. Was with you the last time? A. Ben Johnson and old man Johnson.

Q. You rode by the place? A. Yes, sir, rode right along and stopped at the house there.

Q. Were you driving or riding? A. In a wagon.

Q. You stopped at the house and passed on, is that all you did? A. Yes, that was about all we did.

Q. How close to the house did you go? A. Well, it must have been in the yard, the house wasn't my yard house, the road ran right along by the house.

Q. That was 35 years ago or 36 years ago? A. I guess it was, it was in '66, in the fall, November.

Q. Now do you know it was in '66? A. I know it, I had a posse with me when I came by this place.

Q. There was back a good deal of talk about these people remembering '66; how do you remember it, you didn't have to get back? A. No, sir.

Q. There wasn't anything to make you remember '66? A. Only my father got killed on October 22, 1866.

Q. You say you started out to hunt the people that killed him? A. Yes, sir.

Q. And Ben Johnson was with you? A. No, that was the last time I was up there.

Q. The last time that Tom Thompson was with you? A. Yes, sir.

Q. What year was it Tom Thompson was with you? A. In December, as I said, about the 10th or 15th.

Q. You remember now it was the 10th or 15th or December? A. Yes, sir.

Q. Now do you want happen to remember it? A. Old man Johnson Thompson moved into the house we were living in, and they were on up in a wagon, and I went with them to Reboho to get some groceries.

Q. Now do you remember at this time it was the 10th or 15th of December? A. Because it was Christmas coming, we had to get back before Christmas.

Q. Might not it have been in November? A. No, sir, it wasn't in November.

Q. When did you have your attention called to this? No before this, never thought of this till after the freedom case has been sitting here.

Q. How long has it been called about for several years? A. It was in the news about it, I have noticed some of about the same way as the military road.

Q. You never heard of this till the African Court? A. When told me that.

Q. How long has it been called about this? A. The first time I ever heard of it was when the case came on.

Q You testified to the same facts before the district court; you testify to now? A Yes, sir, as near as I can remember.

Q What do you know about it? Do you think you gave the same testimony then you do now? A Yes, sir.

Q Do you remember about Al Lynch getting shot, this colored man, a witness of the Cherokee Nation? A Yes, sir, I know just about what time, I wasn't there to see.

Q What year was it? A It was in '90.

Q You were upstairs at that? A Yes, sir, I don't have the ability to go down on.

Q Well now you know it was in '90, what time was that Al Lynch do you know, what time about Al Lynch? A Yes, sir.

Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.

Q When you go down to Dave Rowe's and told them some witnesses had shot Al Lynch? A Yes, sir.

Q You didn't go? A No, sir.

Q You are certain of that? A Yes, I had nothing to do with it.

Q But didn't you just hear the information that there is Rowe's that Al Lynch had been shot? A No, sir, I didn't.

Q You will swear that? A Yes, sir, I never heard any such news.

Q Didn't tell anybody at all? A Of course I might have said that it was rumored, everybody knew it.

Q Didn't you hear talking in town at that time about Al Lynch having been shot? A No, sir, I don't think I did.

Q You didn't mention it to them at all, you knew where Rowe lived, didn't you? A I did see Dave Rowe.

Q How close is it to you? A It is 20 or 30 miles.

Q Do you remember seeing Dave Rowe at that time? A Not positively, I was occasionally down to Cherokee, and it was on the road down there.

Q And you saw him? A Yes, sir, I saw him about that time.

Q Was a common thing that he got shot? A No, sir, it was a common thing that he got shot.

Mr. Hastings: That brings positions, if any, have you held?

A Well, I have held the position of Sheriff, I was one of the Associate Supreme Court Judges.

Q In 1890 in Washington? A Yes, sir.

A. P. HIGHT, being duly sworn by Commissioner Rodley, testified as follows:

Mr. Hastings: What is your name? A A. P. Hight.

Q What is your age? A 38.

Q Where do you live? A Now, I live in White.

Q How long have you lived there, a number of years? A 13 years.

Q Are you a citizen of the Cherokee Nation or blood? A Yes, sir.

Q Did you live in the Cherokee Nation before the war? A Yes, sir.

Q You lived in the Cherokee Nation before the war? A Yes, sir.

Q There was the civil war that you lived in the Cherokee Nation after the war? A In 1865.

Q What position did you hold? A I was a soldier.

Q Was there any road that you or your father at that time? A The old military road, we had to call it.

Q How far from there, Mr. Hight, at that time, after your return? A Yes, it was probably in the Cherokee Nation, I don't know, and it must have been in the latter part of the war, before we returned.

Q Did any of them get killed at your place? A Yes, there was
I guess two. Noway was killed there. I heard there was three, I don't
know.

Q Any others wounded? A There was one, I don't know, that is
only from memory. I saw him when he was fired at, but I didn't see
he was struck.

Q Did you see the shooting? A Yes, sir, the most of it, the first
two or three shots I didn't see.

Q Several people were along? A Yes, looked to me like there
might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who
composed that crowd? A Yes.

Q Mr. Mellette, hold on, did he see who they was?

Q Did you know any of them? A I saw the most of them, but I
didn't know the names.

Q Did you ever talk to John Bess here afterwards? A I don't
remember that I ever did about it. Yes, I might have made some little
chance some time, I don't know whether there was ever anything said
bearing on about it.

Q Did you ever learn who composed this crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that, it is an improper
question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my
arrest in the winter, two or three parties that came to my house.

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that?

A Yes, sir, they said so they said in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A The man that came to my house.

Q Yes? A A young man by the name of Lem Smith and a man named
John Willie.

Mr. Mellette: I object to that, they are not parties
to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles
south, we called it Horse Creek, that is right on the side of the
Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection,
it was in probably the first of October, or about there,
in 1867, the best I can figure it was, as to saying positive, I
can't do it.

Q But that is your best judgment? A That is a best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir,
in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back
after the war, was this shooting good place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the
military road.

Q About how far, Mr. Mellette, was this place from where the old
Garrison farm was, or where it was, on Grand Island? A Well, it
is in the neighborhood of Lawrence, a little more or a little less,
I don't know just what it is.

Q How far was it from Lawrence? A Not by the Thompson place.

Q How far was it from Lawrence? A Not by the Thompson place.

Q How far was it from Lawrence? A Well, I am not certain.

Q How far was it from Lawrence? A Well, I remember, that is
all I can say about it.

shot up there in '86, and that he was the fellow shot in that fight in '86, and probably I believed that if he was shot in '86 he was a different man from the one shot in that fight.

Q The is your best judgment, it was told to you, the abolitionist?
A Yes, sir. I think that is the reason. I don't know, I only had a word or two at the time. I never knew since the trouble that he was one of them with him, and I know his name, but I didn't know him. I could have asked him.

Q Now, Mr. Knight, did you say that you were arrested for killing the man that was killed in the Horse Creek fight? A Yes, sir.

Q And the were they, the way you were arrested for killing? A The man I was accused of killing.

Q Yes, sir. The only killing that ever happened there that I know of was the killing the warrent, and you were charged with killing? A I don't know that at all, because the name is all.

Q You would not be arrested for killing a man that wasn't killed, there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrent? A It was the killing there at the place.

Q It didn't say that name in the warrent, it just said as and so is charged with killing, and killing who? A I don't know who they were. I don't remember the name of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Humbered Hill? A Within Humbered Hill.

Q What was up there by Blue Jacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored men up there?
A No, sir.

Q Isn't that the case you were arrested for? A No, sir.
Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do. Did the officers read the warrent to you? A Well, sir, I can't even say that, I am not positive as to whether he read the warrent, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

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Q How far is that from Chetopa, Kansas? A About four miles.

Q What direction from Russell Creek? A We lived on Russell Creek.

Q Well, where did you move to that fall? A Moved to the mouth of Horse Creek.

Q Where were you living in '87? A On Horse Creek, right at the mouth of Horse Creek on Grand River.

Q Do you know the applicant, Rebe Bean? A I have seen him, I don't know as I am acquainted with him.

Q Mr. Trott, any time after the war, did or did you not hear of the circumstance of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.

Q When did you hear of that? A It was in the fall of '87.

Q How far were you living from the Knight place at that time?

A About four miles.

Mr. Mellette: Now Mr. Trott, do you remember that you came back here in the spring of '88? A I think I do.

Q Now in the world do you know it? A I was in the army and was mustered out in '85, in the fall, and the next summer we moved down here, the next spring.

Q Where did you come from? A Kansas.

Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.

Q Where did you stay? A In Woodson County.

Q Who did you live with up there? A My father and mother.

Q What time did you start back here in '88? A It was in the spring.

Q In the spring of '88, how did you come? A In wagons.

Q Travel through the country? A Yes, sir.

Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.

Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chetopa.

Q Which way did you come; came by Vinita? A We came on the Neosho River.

Q Did you come by Vinita? A No, sir.

Q How else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.

Q Then how did you come? A We went up by the Creek after we struck the line, and stopped.

Q You stopped just inside the Cherokee Nation? A Yes, sir.

Q U. there on Russell Creek? A Yes, sir.

Q In the spring of '88? A Yes, sir.

Q What month? A I don't know exactly as I can name the month.

Q How long did you stop up there? A We stayed all the summer of '88.

Q What did you do in the fall? A In the fall we moved to Horse Creek.

Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.

Q You say you heard of a fight in the fall of '87? A Yes, sir.

Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Grand River.

Q How many fights did you ever hear of along about that time?

A That is the only one.

Q You never heard of anybody being killed up there except that?

A Not that year I don't think I did.

Q Now are you positive about that? A I think that is the only fight I heard of.

Q You just simply heard of it; that is all, is it? A Well, I saw the troops in there but a short time afterwards hunting the fellows that done it.

Q Where were the troops from? A Said to be from Van Buren.

Q Were they were troops come from Van Buren, did they? A That is what they said.

Arkansas? A Yes, sir.

Q Federal troops? A Yes, sir.

Q Don't you know there were not any troops at Van Buren in '67?

A I don't know anything about it.

Q You say the troops all right, did you? A I did.

Q How many? A Seemed to me like about 20 or 25.

Q White or colored? A White men.

Q Who commanded them? A I don't know that.

Q Where did you see them? A I saw them at my house on Horse Creek.

Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.

Q When did you first know about this fight, that it was in '67 that that fight occurred; when was that first called to your attention Mr. Trott; since this Freedman Court has been in operation?

A No, sir, I have heard of it all along.

Q I know, but have known a good many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don't know, I have heard it talked about ever since then.

Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.

Q That has been 36 years ago, or 38 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.

Q What time do you say you went down on Horse Creek from Russell Creek. A Late in the fall of 1866.

Q What time? A I don't know the month, but it was way late in the fall.

Q Were you in the army? A I was.

Q In any fights? A Yes, sir.

Q Where? A Prairie Grove, Arkansas.

Q That was the only fight? A That is all.

Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1863.

Q '63? A Yes, sir.

Q You don't mean that? A Yes, sir, '63 I meant to say.

Q The winter of '63; was it before Christmas or after Christmas?

A I guess it must have been after Christmas.

Q Was that in '62 or '63? A '63.

Q What month in '63? A I don't recollect the month.

Q Was that in the first part of '63 or the last part of '63?

A I can't tell you exactly.

Q You can't tell it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.

Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part.

Q You are satisfied of that? A I am not satisfied of it positively.

Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I don't know about that Horse Creek fight because I was living there.

Q You were in the Prairie Grove fight, and still you know more about the other one you were not in; isn't that true? A The other hadn't been quite so long.

Q There has been about three years difference.

T. J. MONROE, being sworn, deposes as follows:

Mr. Hastings: What is your name? A T. J. Monroe.

Q How old are you? A 48.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q You were born before the war? A Born in '22.

Q Where did you live before the war? A Lived on the line of the Osages and the western line of the Cherokee Nation, near the Osage lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A A place known as the Bate place on the Grand River, east of Grand River, in Delaware district.

Q How far was that from Horse Creek? A It was ten or 12 miles.

Q Do you know whether the old Knight place was on Horse Creek?

A Yes, sir.

Q How far did you live from that? A It was about ten or 12 miles I think.

Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

Q Ketchum precinct? A It is about, I would think about 15 or 16 miles, 15 or 16.

Q When did you move to that place after the war, in what year?

A Sometime in February, 1866.

Q February of 1866? A Yes, sir.

Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A Yes, sir.

Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.

Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.

Mr. Mellette: Where were you living at that time? A That I heard of this fight?

Q Yes? A On the Stand Waite place, on the west side of the Grand River.

Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.

Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q Was it before Christmas or after Christmas? A I think it was after Christmas.

Q That is the time you want it to stand? A Yes, sir.

Q Where did you move from? A From the west side of the river, from the Boxer place.

Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.

Q What year did you move to the Boxer place? A In '68.

Q What time in the year? A I think it was in February.

Q Where did you move from? A We came from the Choctaw Nation on Red River.

Q When did you come? A I stayed a while right on the line of Missouri.

Q When did you come from the Choctaw Nation? A We left the Choctaw Nation sometime in the latter part of October, I think.

Q What time? A '65.

Q You couldn't be mistaken? A No, sir.

Q Then there is such a thing as remembering dates, I suppose?

A I have something to remember by.

Q You didn't have to get back here by '66? A No, sir.

Q There wasn't anything to impress it on your mind? A If you will.

T. J. MONROE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A T. J. Monroe.

Q How old are you? A 48.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q You were born before the war? A Born in '52.

Q Where did you live before the war? A Lived on the line of the Osage and the western line of the Cherokee Nation, near the Osage lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A A place known as the Boxer place on the Grand River, east of Grand River, in Delaware district.

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Q Do you know whether the old Knight place was on Horse Creek?

A Yes, sir.

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Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

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Q When did you move to that place after the war, in what year?

A Sometime in February, 1868.

Q February of 1868? A Yes, sir.

Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A Yes, sir.

Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.

Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.

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Q There wasn't anything to impress it on your mind? A If you will

let me explain, we lived right on the same place with Joel Bryant, on the same farm, he was a Major General, or something, in the Confederate army. He came home during the summer, I think in June, and took his family and started to old Mexico, and then we sold our crop in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '52, I was 13 I believe in '65.

Q About 13 years old? A About 13 in '65 I think, if I am not mistaken.

Q And still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1865 and came up here and went on to the Boxer place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Stand Waite place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes; when did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 36 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told us about this fight, did you hear of this fight up here and a lot of them people getting killed; I remember it well, guessing about who done the killing, they didn't call any names, but referred to them as the "red face" fellows.

Q You remember 36 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have anyhow? A I think about 15.

Q Can you remember every time a man has brought a horse to you since '65? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had farmed one year on the Boxer place? A Yes, sir.

Q What did you farm with? A A little yoke of stagg-Mr. Hastings? What position do you hold now, if any? A Senator in the Cherokee Nation.

COMMISSION TO THE
DEPARTMENT

AUG 13 1901

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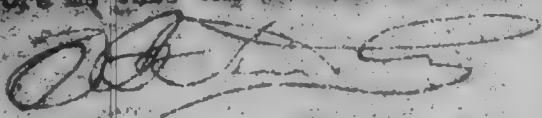
Q You are a senator from Delaware District? A Yes, sir.
Q You have been senator before? A Yes, sir.
Q How long of your district? A One time and senator
two terms.

Q Mr. Hastings, I desire to order this testimony in the
Arthur Bush case, D-212; Joseph Bush, D-215, Lucy Bush, D-220;
Lewis Bush, D-222, and Rachel Bush, D-207.

Q Now, P. Jones, being duly sworn, says that as stenographer to
the commission on the five civilized tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

P. Jones

Sworn to and subscribed before me this the 11th of August, 1901.



Commissioner.

Q You are a senator from Delaware district? A Yes, sir.
Q You have been senator before? A Yes, sir.
Q Been Sheriff of your district? A Sheriff one time and senator two terms.

Mr. Hastings: I desire to offer this testimony in the Arthur Bean case, D-212; Joseph Bean, D-215, Lucy Bean, D-290; Lewis Martin, D-289; and Pauline Hight, D-207.

Brice G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Brice G. Jones

Sworn to and subscribed before me this the 22 15th of August, 1901.



Commissioner.

Bellette & Smith for applicant
W. V. Hastings for the Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes
Cherokee, I. T., June 18th 1901.

In the matter of the application of John Martin for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Hordles, testified as follows:

- Q What is your name? A. John Martin.
Q How old are you? A. 32.
Q What is your post office address? A. Shalaco.
Q In what district do you live? A. Gowaocowocowoc.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q How do you want to have enrolled besides yourself? A. Just myself.
Q Have you ever applied to be enrolled as a Freedman of any other tribe or nation? A. No sir.

By Mr. Smith-

- Q Who is your father? A. Lewis Martin.
Q Who is your mother? A. Sarah Martin.
Q Is the Lewis Martin, your father, the same one who applied some time ago to this Commission for enrollment? A. Yes sir.
Q Are you related in any way to Forten Martin? A. He is my uncle.
Q Were you or were you not present when the testimony was taken in the case of Lewis Martin? A. Yes sir.
Q Was that your father's name? A. Yes sir.
Q Have you any brothers? A. Yes sir.
Q What are their names? A. Will, Al, George, Ernest and Fred.
Q Where do you live now? A. Two and a half miles from there in the Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A. Biggest part of my life.
Q Are you on any roll? A. Yes sir the Kern Shilken roll.

The Kern Shilken roll examined and applicant named as follows:
Page 139, No. 3319, John Martin, Gowaocowocowoc district.

The Wallace roll examined and the applicant identified as follows:
Page 131 No. 3743, John Martin, Gowaocowocowoc district.

By Hastings:

- Q You say your father is named Lewis Martin? A. Yes sir.
Q Your father came back here from Kansas the time the Wallace roll was made didn't he? A. He came before that.
Q How long has it been then? A. I can't tell you.
Q You were born in Kansas? A. Yes sir I suppose I was.
Q Are you the oldest child? A. No sir.
Q The 1st? A. Will.
Q Was he born in Kansas? A. I don't know.
Q Who is the next youngest child your father had to you? A. George.
Q Is he next to you? A. Yes sir.
Q Was George born in Kansas? A. I don't know, can't say where any of them were born.
Q Never heard your father say? A. No sir.
Q Who was the second youngest then you? A. Fred.
Q You don't know where he was born either? A. No sir.
Q I believe you gave in your age as 32? A. Yes sir.
Q What did you say your mother's name was? A. Sarah.
Q What did you come to the Cherokee Nation the first time? A. I just cannot tell you nothing about it, I was too young to know.

Martin 2.

- Q Did you go back to Kansas after you first came? A. I suppose I did.
Q When did you come the last time? A. I went back after I came the last time.
Q Where were you when I was first old enough to remember anything? A. On Frier creek.
Q Where? A. With aunt Jane Martin.
Q You remember when she lived on Frier creek? A. I don't remember it.
Q How did you go? A. I don't know.
Q When you went to Kansas first there? A. I suppose so, mother said so.
Q What place in Kansas? A. Ottawa.
Q With your father and mother? A. My father didn't go.
Q Did your mother take you up there? A. Yes sir.
Q How long did you stay in Ottawa? A. I don't know.
Q What is your best judgment? A. I think 3 or 4 months.
Q Were your mother and father separated? A. No sir.
Q Did you come back to the Cherokee Nation from Ottawa? A. I don't know if they brought me back.
Q When you were about 15 years old where were you? A. I remember being at Dave Martins and Millie Wilsons.
Q On Big Creek? A. Near Coffeyville, I don't think it was on Big Creek.
Q Where did you go from there? A. To Kansas.
Q What place? A. Topeka.
Q How long did you stay there? A. Went to school there eight months.
Q Where did you go from there? A. Came home.
Q Where abouts here? A. Vinita.
Q How long did you live at Vinita? A. I don't know exactly.
Q About how long? A. Two or three years.
Q Where did you go then? A. About from there back to Kansas.
Q What place? A. Fort Scott.
Q Where was your mother then? A. She was here.
Q Have you ever married? A. Yes sir.
Q Where did you marry? A. At Vinita.
Q What year? A. About 15 years ago.
Q How long did you live with your wife? A. About ten years.
Q Ever since you married here? A. Yes sir.
Q How long did you live in Vinita? A. 24 hours, with her.
Q Where did you next bring her? A. Here to Topeka.
Q Have you been living with her here ever since? A. Yes sir.
Q Your mother is a state raised woman? A. Yes sir.
Q Do you know in what year your father and mother were married? A. No I don't.
Q Never heard that say? A. No sir.

By Smith:

- Q Where do your mother and father live? A. 3 and a half miles from here in the Cherokee Nation.
Q How long have they been living together as man and wife? A. I don't know, I guess ever since they were old.
Q How many children have they had? A. Five or six, one dead.
Q Are they living together now? A. Yes sir.
Q The place on Frier creek that you speak of, where is that? A. 3 or 4 miles from here.
Q And the place near Coffeyville that you speak of is that in Kansas or in the Cherokee Nation? A. In the Cherokee Nation.

By John Needles,

John Martin swears for himself; he is not found on the late authenticated roll or the census roll of 1890, but is only identified on the Ross Clinton and Wallace rolls according

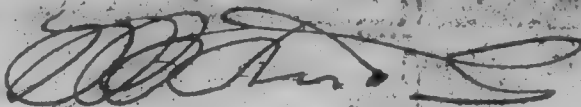
Martin E.

to the page and number of the rolls as indicated in the testimony; he makes satisfactory proof as to residence, and as to his citizenship reference is made to the testimony taken in the case of his father, Lewis Martin who has been listed for enrollment on B, Card 288, and a copy thereof will be filed with the application at bar and made a part hereof. The said John Martin will be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of the Commission and he will be notified by mail when the final decision is arrived at.

Chas. von Weiss, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weiss

Subscribed and sworn to before me this the 2nd day of June, 1901 at
Nowata, I. T.



Notary Public.

N.F.D. 656

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

SEP 18 1901
..... day of..... 1901.
Melville Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

.....
on the day of..... A.D. 1901

.....
Subscribed and sworn to before me
this day of..... A.D. 1901.

.....
Notary Public.
.....

Filed SEP 18 1901

NOTICE!

IN THE MATTER OF the application of John Martin
for enrollment as a Cherokee citizen:

Case No. D 656

To John Martin or Hellette A. Smith his attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory Indian Territory, on Oct. 31 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L. B. Bell
M. M. Hastings
Attorneys for the Cherokee Nation.

how long it was that I saw him there.

Q Was your son married? A My son was married then.

Q Where was he living? A He was living with me when he got married, and then he moved up to Ottawa, and he wasn't there very long before his woman took sick and wrote for his mother to come and she went, and she didn't come back quite as I thought she ought to come back and I went after her, and I went up there and I went over to his house.

Q Went to his house? A Went to Mr. Martin's house.

Q Well, Martin living there? A Yes, sir, he was living there.

Q Did he have his family there? A Yes, sir.

Q You know what he was doing up there at Ottawa? A Well, he was a farmer there, renting.

Q Well, how how old is your son's oldest child? A Well now sir that is something I can't tell you.

Q Well about how old is it? A That is something I don't know the age of nobody, I can't guess at his age, he was born 2 years after I came to Kansas, my boy.

Q I am not talking about your boy, I am talking about his child?

A Well I can't tell nothing about his child's age at all.

Q His boy grown? A He isn't grown, but then he is a good size boy, I ain't seen him since he was just about so high (indicating) and came off here to the Nation.

Q You don't have no idea when the child was born; as much as 15 years old? A Well, he may be somewhere along 15 or 14, but I can't tell exactly, but he is a good sized boy, I reckon he is pretty near large as he now.

Q Now what is your best judgment as to the age of that child; have you got any judgment at all? A I have judgment, but I can't tell how old he was.

Q I am not asking you the date; what is your best judgment as to his age? A If I knew how old it was when I went up after my wife I could tell pretty near the child's age, but I can't.

Q Well, about how long do you think that man had been away from Mapleton, up to Ottawa, when you went up there? Had it been a few days or a few months, or how long? A Well, it has been more than a few days, because he had raised one or two crops up there, and maybe more for all I know, I don't know at all, you have got me to something I don't know, but I know he lived there, that is all I can tell you.

Q And you know he was living there when you went up there? A Yes, sir, because I went to his house.

Q And that was after he was living down at Mapleton? A Yes, sir.

Q Did you ever see him back down to Mapleton after that? A No, sir, I don't recollect seeing him back there anymore at all, he might have come back on a visit, but that I don't know, but when I saw him again I saw him there.

Q When was that? A Well, it was the year that Mr. Wallace's roll was made.

Q Where did you see him? A I saw him out in the country here to a place where he farmed.

Q You know how long he had been here then? A I just know he had been here, made one crop I think.

Q Well, did he tell you that or not? A Well he took me right down and showed me his crop he made.

Q Did he say how long he had been here and where he came from?

A He said he had come from up there here.

Q Did he say when he had come from Ottawa or how long he had been from Ottawa here? A He didn't say how long he had been, but he had just made one crop when he came here.

Q How do you know he made one crop? A I don't know, he said so.

and showed me his crop.

Q How do you know he just made the one, is what I am trying to get at, and not made any more than one? A I don't know that, only he said his stepson made one crop while he was home where he lived, he said his stepson, he sent him down here to make a crop and then he came, he said his stepson made a crop here and then he came and made one, that is what he told me, that is all I know.

Q That was while the Wallace Court was here? A Yes, sir, first time I saw him I came down to the Wallace Court.

Q Have you any idea when Wallace made that roll, do you know anything about that year? A No, sir, I don't.

Q Don't have no idea about it at all? A No, sir, don't know a thing about it only he made that roll.

Q You know he made it? A Yes, sir, because I came and signed that roll.

Q Where were you living at the time? A I was living up there on Timber Hill, Bourbon County.

Q Kansas? A Yes, sir.

Q Near Mapleton? A Yes, sir: I knew where I was living all right.

Mr. Smith: Now Lewis, all you know about it is that you know that at one time Lewis Martin lived up there in Kansas? A Yes.

Q You don't know the year? A No, sir, I don't know the year at all.

Q When did you first go to Kansas? A '66.

Q Where did you go from? A Went from the Cherokee Nation: went from down here at Chouteau Station.

Q There wasn't any Chouteau Station then in '66? A No, sir, it has been out there since. I lived there, I was raised there.

Q Do you know where Lewis Martin was in the year 1866? A No, sir, I don't know the meaning of that '66 any more as a sucking baby, I don't know the meaning of '66: when that man told me that I came here in '62, that is how come I say I came here in '62: he said I came here in '62 because I came here a soldier.

Q Where were you living in 1862? A Well I give it, went up to Kansas, in that time, and lived up there close to Mapleton in '62 when this man said I came out in '62, I don't know when I came, he said it was '62 because he was down there.

Q Now do you know when Lewis Martin got married? A I know he got married up there but I can't tell when.

Q Do you know whether it was before the war or after the war or during the war? A He got married, might have been about the time the war came on or maybe after, I don't know now.

Q Well, do you know where Lewis Martin was when the war closed?

A Well, when the war closed, he must have been living right there close to Mapleton.

A Not what he must have been, but what you know about it, what you saw and know yourself, do you know where he was when the war closed?

A I didn't say I know that at all, but I know he was living there when I came, when I was living there he was living there too, it must have been while the war was going on that he lived there, but after that I know he lived there and went up to Ottawa you know.

Q Do you know where he was in the fall of '66? A No, sir, it isn't any more use for you to ask me about '66, not bit more than a baby, because I don't know.

Q Do you know where he was during the year after the war closed?

A I can't tell you that neither.

Q Don't know? A No, sir.

Q You know anything about as to whether he got into a fight or killing anyone down here in the Cherokee Nation shortly after the war?

A I never heard of him getting into any fight or killing.

Q You were not in it? A No, sir.

Q When did you come down here at the Wallace Court, where was

- 4 -
Lewis Martin living in the Cherokee Nation, near what place? A Why I don't think it was more than a mile, maybe, or maybe more than a mile right out back this way, from Vinita.

Q A mile from Vinita? A I don't think it was over a mile, it might have been and might not, but it wasn't very far.

Q Did you go out to his place? A Yes, sir, I went out to his place.

Q How did you go, ride or walk? A I think I went in his wagon I think, I don't know for certain how I went out but I went there all right, went right to his house.

Q You don't know how many different places Lewis Martin has lived in the Cherokee Nation, do you? A Well, I don't know of him living at but that one here and when when he left here he went out and bought a place, I understand, went out and bought a place.

Q You don't know anything about where he is living now? A No, sir.

F. D. MYRIK, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, please? A F. D. Myrick.

Q How old are you? A I am 64 years old.

Q What is your postoffice? A Mapleton.

Q Kansas? A Yes, sir.

Q You live in Kansas? A Yes, sir.

Q What is your business? A Farming, stock raising.

Mr. Hastings: Mr. Myrick, do you know a colored man by the name of Lewis Martin? A Yes, if he is the man we located, I once knew a man by the name of Lewis Martin.

Q Did you know his father? A Yes, sir.

Q What was his name? A Harry.

Q Where did you know him? A I knew him there about Mapleton on my place.

Q Were you intimately acquainted with him, know him well? A I ought to.

Q Just tell the circumstances, all you know about him? A Yes sir, I was intimately acquainted with him.

Q Did he work for you? A Yes, sir.

Q Now about what length of time did he work for you? A Well I think it was about a couple of years.

Q Through what period of years? A About '63 and '64.

Q What did he work for you at? A Blacksmithing.

Q He learned the blacksmith trade there? A Yes, sir, he learned that while he was quite young, he was the youngest of the family, and his oldest brother, Bill, was a blacksmith, and I was running a shop there and they were doing the work for me.

Q Do you know where Lewis was married? A Well, I wouldn't say that I do, he married there but it is kind of a dream, I am not positive; of course I was well acquainted with his wife but it has been so long and not paying my attention, I would not be positive that I know.

Q Do you know where he went from Mapleton? A To say I know, I don't, but the report was that he went to Ottawa, and he told me afterwards he lived at Ottawa; that is as near as I can explain it to you.

Q About how long afterwards did you see him? A Well, it must have been five or six years afterwards that I saw him.

Q Now do you say that that was five or six years -- A After he left Mapleton.

Q Now about when do you think he left there, about what years?

A Well I can't tell what year he did leave there.

Q Well, with reference to the close of the war? A Well, it must have been a couple of years after the close of the war that he went to Ottawa. As his father stayed there anyhow as long as two years after the close of the war before he went to Ottawa.

Q And then you saw him five or six years after that after he went to Ottawa? A Yes, sir.

Q And he told you he was living there at that time? A At Ottawa.

Q Did you ever see him after that? A No, sir, not as I know of.

Q You live at Mapleton? A Yes, sir.

Q How was you gone from Mapleton any time, say between '73 and '77? A Yes, sir.

Q Where were you? A I was in the Rocky Mountains.

Q Do you remember Lewis' mother? A Lewis' mother, Celia.

Q That is what I want to know, to identify him? A Yes, sir, I was well acquainted with him for a number of years.

Q Where did you see him the five or six years after he left Mapleton that you speak of? A I saw him between my house and Mapleton and just met him on the road and merely addressed him and asked him some few questions. I don't know what, in regard to where he was; he was kind of a stranger when you know. He told me he was living at Ottawa.

Q Did he tell you what he was doing? A I don't know, I think that he was running a blacksmith shop.

Q You are not positive about that? A No, I wouldn't be positive.

Q Did you ever see him after that? A No, sir, I never saw him after that.

Q You say that during the last years of the war he worked for you in a shop? A Yes, sir.

Q What were you doing? A Working along the closing years of the war? A Why I was running a mill there and was making flour for the government. I sold flour to the government mostly, and I run a blacksmith shop in connection with my business there, and I had these fellows employed for the purpose of shoeing horses and doing all kind of blacksmithing, and lived right on the trail from Port Gibson to Lebanon.

Q And this Martin was Lewis Martin's brother and lived with him? A Yes, sir.

Q What was this Martin's wife named? A Nettie.

Q Mr. Smith, Mr. Martin, I believe you stated it was in '83 or '84 that this man was working for you? A Yes, along about that time.

Q Well, where was he in '85? A I wouldn't be positive where he was, to the best of my knowledge he was around Mapleton there or had gone to Ottawa, I couldn't be positive.

Q Well you don't know then where he was in '85? A No, I can't say where he was in '85.

Q Where was he in '88? A I don't know, sir.

Q Yet know what year it was that he went to Ottawa? A No, sir, I don't, to say know the year that he went to Ottawa, I don't.

Q About what year was it that you last saw Lewis Martin? A That I saw him last, last saw him?

Q Last saw him at all? A After I saw him last coming from Ottawa, oh it must have been five or six years afterwards.

Q Five or six years after the close of the war? A Yes, sir, must have been five or six years after the war.

Q You haven't seen him in that country since? A No, sir.

SMITH KING, duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Smith King.

Q What is your age? A I am going on 41.

Q Where do you live? A Ottawa.

Q Where? A Yes, sir.

Q How long have you been living at Ottawa, Kansas? A Went there in '87, 1907.

Q Did you know a person named by the name of Lewis Martin? A Yes, sir.

Q Where did you know him? A In Oregon.

Q Then did you first become acquainted with him, first see him there? A In '87.

Q What time did you go to Ottawa in '87? A Went there in March.

Q How soon after you went there was it before you saw Lewis Martin? A April or May and, I am not certain which one; it was along in April or May.

Q A short time after you went there? A Yes, sir.

Q Mr. Bring, do you know his wife? A Yes, sir.

Q What was her name? A Sarah.

Q Do you know any of his children? A Well, yes.

Q You remember any of their names? A Yes, sir.

Q What was their names? A One was named John, and George.

Q What was Martin doing when you knew him in Ottawa? A Blacksmithing.

Q How long did you know him there? A I know him four or five years there, maybe longer. I don't know exactly the time that I did know him. I can't just swear to the time, but it was five or six years I was acquainted with him there.

Q Do you know where he went when he left there? A No, sir, I don't.

Q You say he was a blacksmith? A Yes, sir.

Q Did he have a brother, or do you know? A No, he didn't have any brother there.

Q Did he have a father, or do you know that? A I don't know that, I wasn't acquainted with his father.

Q Were you acquainted with his mother? A No, sir, never seen her.

Q You know where he went from there? A No, I can't say where he went. I know where he said he was going.

Q Did you ever see him after that? A No, I haven't seen him since. I haven't seen him for quite a number of years.

Q Now during the four or five or six years that you saw him at Ottawa, was he there continuously during that time? A No, he was away some of the time.

Q Where was his family? A His family was out on a farm.

Q Did they live there during that time? A Yes, they lived out on the farm.

Q Well, did you see him at frequent intervals during that period of time? A Well yes, sometimes I would see him every three or four weeks, sometimes it would be longer, but then I often would see him. You know Martin was a man that didn't run around very much, anyhow.

Q You say he didn't run around? A No, sir.

Q What did you mean by saying he was away some? A There would be times that he would be gone, I don't know where he was gone.

Q For about how long at a time, how long would you miss him, any considerable time? A Sometimes I wouldn't see him for a month or so, he was out in the country, out on his farm.

Q Out of town? A Yes, out of town. I couldn't know where he was.

Q Mr. Smith, well, you don't know of your own knowledge? A No, sir.

Q Only you didn't see him? A No, I wouldn't know where he was only I didn't see him.

Q How far did he live in the country from Ottawa? A Part of the time it was two miles.

Q That was along from '87 up for four or five years after '87? A Yes, it was after '87.

Q From that date to this you have never seen him? A No, sir, I have never seen him.

Q Commissioner, you say you first saw this man in '87? A Yes, sir.

Q Where did you live in '87? A I lived at Ohio City.

Q Where? A That was south of Ottawa.

Q State of Kansas? A Yes, sir.

Q You know where Martin was in '87? A No, I don't know where he was in '87.

Q That brings it to you, and that it was '87 that you saw him because I moved to Ottawa in '87.

Q I know that? A Yes, sir, and there is where I saw him.

Q You recollect dates do you? A Yes, I recollect dates, yes.
 Q What year is this? A It is 1900.
 Mr. Hastings: Is this the year 1900? A Yes, sir.
 Q Well, it is nineteen hundred, I don't know whether you call it even or not; you know I am no educated man.
 Commissioner: Where were you living in 1886? A Ottawa.
 Q You been living there ever since '87? A Yes, sir.
 Q Living there now? A When I am at home that is right where I live.
 Q Your family there? A My family is all dead; well I have no family of my own now.
 Mr. Hastings: Do you know what year the war commenced? A Yes, sir.
 Q What year? A 1861.
 Q What year did it close? A 1865.
 Q How how long after the war closed before you went to Ottawa?
 A Why I went to Ottawa in 1867.
 Q I want to know how long that was after the war closed? A After it closed, why two years.

D. J. HESSONG, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A D. J. Hessong.
 Q What is your age? A I am 51 years old.
 Q What is your postoffice? A Mapleton.
 Q Kansas? A Mapleton, Kansas, yes, sir.
 Q How long have you lived there, D. J. Hessong? A I have lived there since '57, have lived there about 44 years.
 Q Do you know a colored man by the name of Lewis Martin? A I did.
 Q Where did you know him? A In Mapleton, Kansas.
 Q What occupation, if any, was he following? A He was running a blacksmith shop when I knew him.
 Q Do you know where he came from up to Mapleton? A I do not.
 Q You never heard him say? A Never heard him say.
 Q You don't know where he had lived before he came there? A I think he came from Ottawa, because I know he went back to there a time or two during the time that he was at Mapleton, and he said he was going on a visit.
 Q Do you know about what year he came there to Mapleton? A It must have been about '76, something like that, along there.
 Q About how long did he stay there? A Well, when he came back there I am pretty sure it was in '76 and in '77 I went west and when I came back I don't remember whether he was there then or not, but I know he was there a couple of years, if I remember right, two or three years, something like that, I don't remember whether he was there when I came back or not.
 Q When did you come back? A I came back that fall and winter, winter of '77.
 Q Did you know Martin's wife? A Yes, sir.
 Q What was her name? A I believe that they called her Sarah, or something like that; there was a woman stayed with him part of the time he was in Mapleton.
 Q Did you know his brothers? A Will.
 Q What is that? A I am trying to find out. A Yes, I think there was another Martin named Will Martin, said they were brothers.
 Q What was Will Martin's profession? A Blacksmithing.
 Q Did you know Lewis Martin's father and mother? A Don't believe I did, no.
 Q Did you ever know Lewis Martin before you knew him when he came there in '76? A No, sir.
 Q Well, was his family with him when you knew him there in '76?
 A Yes, sir, she lived right in town.
 Q He worked at a blacksmith shop? A Yes, sir, he and his brother.

run a shop there in town.

Q You haven't seen him since? A I have not.

Mr. Smith: Mr. Heesong, you don't know where he came from when he came to Mapleton that time? A No, sir.

Q You don't know where he had been living before he came there?

A No, sir.

JOHN CROSS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John Cross.

Q What is your age, Mr. Cross? A 63.

Q Where do you live? A Mapleton.

Q Kansas? A Bourbon County, yes, sir.

Q How long have you lived there? A I lived there since '62.

Q Did you ever know a colored man by the name of Lewis Martin?

A Yes.

Q What was his occupation, what did he do? A He was a blacksmith.

Q When did you know him? A Well I know him in about, let's see, must have been '75 or '76, right along there sometime; of course I knew him before that but I wasn't acquainted with him, I knew of him.

Q You knew him before that? A Yes, but I wasn't acquainted with him at all.

Q When did you know him before that? A Well, when they first came, I don't know, probably it was along '62 or near that time there.

Q Did you know his father? A Yes, sir.

Q What was his name? A Well I don't know his name, don't recollect, he was a very old man, his father was.

Q You don't know this mother's name? A I did, but I don't remember it now; Celis; no, it wasn't Celis, I don't recollect it.

Q Well, did you know his brother? A William?

Q I am asking you. A Yes, I knew him better than I did Lewis.

Q Well, do you know how long you knew him after '62, or is your memory distinct about that? A No, you see he left there and he came back, I think it must have been '64 or '5 or '6, along sometime, and then he came back there and him and his brother run a blacksmith shop for probably a couple of years.

Q You know what became of him then? A No, I do not, in the spring of '77 I went to Colorado and I didn't get back till that fall, and he was gone.

Q Now when do you mean to say that he came back to Mapleton the last time? A Well, it must have been in '75 or '6.

Q Did he have a wife? A Yes.

Q Living with her? A Yes, sir.

Q You know whether he had any other family or not? A No, I do not.

Q Well, have you ever seen him since? A No, sir, I haven't seen him since.

Mr. Smith: So, Mr. Cross, as I understand you, you knew this man then about '62? A Yes, that is when they first came there, I think about that, but still I wasn't --

Q Do you know whether he married there at Mapleton? A No, I do not, I don't know anything about it.

Q Do you know whether he was a single man or a married man when you first became acquainted with him? A I think he was a single man when he came there.

Q Do you remember was he married in a couple of years after he came there or not? A He was married when he run a shop there, he was married and had a family.

Q That was when? A In '75 or '6.

Q But do you have any recollection as to whether he was married before the war closed? A No, I do not.

Q Well, now you missed him from there along about the time the war closed, did you? A Yes.

Q Now when did you first see him back there after the time that you

missed him? A I don't recollect of seeing him till he came there and went to work in the blacksmith shop.

Q Now about what year was it that you missed him away from there?

A Well I don't recollect. I didn't pay no attention to it at all.

Q About the time the war closed? A Why I suppose, yes.

Mr. Hastings: Do you have any distinct recollection about the first time you missed him from there? A No, I do not.

Q You wasn't well acquainted with him then? A No, I wasn't well acquainted with him.

LEWIS VANN, recalled by applicant, testified as follows:

Mr. Smith: You were on the stand this morning in this case, were you Mr. Vann? A Yes, sir.

Q Now then, did I understand you to say that you never heard of that fight that I asked you about this morning in 1866 in the Cherokee Nation, the Horse Creek fight? A No, sir, I don't know nothing about that.

Q Didn't you have a kinsman that was killed down there about that time, somebody that was kin to you? A Oh, I know that all right.

Q Who was that? A Wesley Vann.

Q Well, when was he killed? A He was killed the year after the war ceased, he went down there and got killed and that kept the balance of us from coming.

Q Were you along? A No, sir, I wasn't, but then I was going after he got there and wrote back, but then he got killed.

Q Wasn't Lewis Martin with him? A I don't know sir, that is something I don't know.

Q Who was he with, who did this man leave with, this kinsman? A He left with another brother in law of mine.

Q What was his name? A Charley Burgess.

Q Who else? A Charley Burgess and Wesley Vann, they was only ones kin to me.

Q Who else that wasn't kin to you? A Then there was some there by the name of Gilbert Vann and Gilbert Daniels.

Q Who else? A Well, there was a young man along by the name of - I can't think of his name now, he got killed too, one of my fellow servants' sons, lived on the place with me, he got killed.

Q Was George Vann along? A No, sir, he wasn't along.

Q He wasn't there at all? A No, sir.

Q Where were you when these people left Kansas to come down here?

Q When they left why I was up here in Kansas, up in Kansas, up to Mapleton, in Bourbon County.

Q Did you stay there all the time? A Yes, sir, I hadn't been five miles from that place since I landed there, I reckon more than five miles anyhow.

Q Did you stay there during the time that these people came down here that you speak of? A Yes, sir.

Q Now don't you know Lewis Martin came down here, moved back here? A Of course he came down here.

Q When? A Well now that is something I can't tell you when, but I know he come.

Q Did he come at that time you are talking about? A Oh no, he was up there but he didn't come when the others come, because I know he was up there.

Q Didn't he come down here with Wesley Vann, didn't they leave together to come down here? A I don't know whether he come with Wesley Vann or not, I don't know anything about that.

Q You don't? A No, sir, I don't think he ever was with them.

Q Why did you say this morning that you never heard of that fight at all? A That fight you are talking about, I didn't understand that fight, but now since I understand about the killing of my brother in law I know all about that.

Q You do? A Yes, sir, they killed him sure.

Q Did anybody that left up there come back, any of the colored people? A Now sir that is something I don't know either because I know all the balance that was with them, they went on after they got killed, they went on.

Q Did any of those that left Kansas at that time come back to Kansas? A I can't tell you not a thing about that, sir, no, sir, I can't.

Mr. Hastings: You were not in the fight? A No, sir, I was at home in Kansas and just heard about it.

Q All you know about it is just what you heard? A Yes, sir, about they killing him down there and him never coming back.

Q I believe you testified most positively you didn't know a thing about dates this morning, didn't you? A Well, I don't.

Q You didn't know a date this morning? A I don't know no dates about nothing about that but when anybody asks me about the name of anyone that I know of course I know them, but then to come to dates I don't know no more than a child.

Commissioner: Copies of this testimony will be filed with the testimony in Cherokee Freedman cases D-956, D-957, D-958, D-959, and D-960.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of October, 1901.

[Signature]

Commissioner.

File with Cherokee Freedmen D-356, John Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 11, 1901.

In the matter of the application of Tobias Beck for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:

Mellette A. Smith, attorney for applicant.

W. F. Hastings, of council for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.

Mr. Mellette: I am going to offer some additional testimony.

Mr. Hastings: What for?

Mr. Mellette: To show the date of what is known as the Horse Creek fight, out here.

Mr. Hastings: Does not the representative of the Cherokee Nation an object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not now matter, and the testimony then introduced by the Cherokee Nation upon this point is not now matter so that rebuttal testimony can be allowed under any rules of procedure Commissioner? The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A. Mary Brown.

Q. How old are you, Mrs. Brown? A. I don't know my age exactly.

Q. Give an idea? A. About 60.

Q. Are you a Cherokee Indian by blood? A. Yes, sir.

Q. Recognized citizen of the Cherokee Nation? A. Yes, sir, I am.

Q. Where do you live? A. I live at what is known as the Bowling Ferry place on Grand River.

Q. How long have you lived on Grand River? A. About 17 years, down there.

Q. When did you return to the Cherokee Nation after the war, if you left it? A. We came here about three weeks before Christmas, in '85.

Q. Where was your home at that time? A. About one mile and a half north of Prairie City, that is the name of the place now.

Q. Is that a point up here close to Fairland? A. Yes, used to be just a depot up above Fairland near the pond.

Q. Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A. I do.

Q. How did you first learn of that? A. There was some news came to my house to stay all night.

Q. Who were they? A. Kinch Vest and a band of men.

Q. Did you learn from them anything about the colored people being killed? A. Yes, sir, they told us they had killed some negroes.

Q. How many were in that party? A. I can't tell you positive.

Q. About how many, or can you give an idea? A. About six, to the best of my knowledge, I never took no particular notice how many.

Q. Did you hear anything further about it after they came to your house? A. Yes, sir, two or three days afterwards we heard some colored people got killed.

Q. Where was that? A. Somewhere on the Military road near Horse

Greek.

Q How far was that from your house? A About six miles.

Q How when was that, Mrs. Brown, that Kinch west and his crowd came to your house and you heard of this killing of the colored people? A Fall of '66, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you fix it as 1866? A Well, I came home as I saw in '68, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 30th day of May, in 1866, and this was the fall following.

Mr. Hastings: Did you ever have any other children born? A Yes, sir.

Q When? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the next one born? A In 1870.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you that.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q Now do you know what happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the Courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the Courts.

Q Where do you live now? A I live at the Bowling Green place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '65.

Q When was the third one born? A The third one was born May 26.

Q Of what year? A In 1866.

Q When was the next one born? A I don't know that.

Q Now when was the fifth one born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the ninth one? A Well, I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelfth one? A I don't know, I can't count them, all of them.

Q Don't know? A No, sir, I am no scholar.

Q Where was Bob Knight living at that time? A I can't tell you just exactly.

Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.

Q And that was the distance, was it? A About ten or twelve miles.

- 3 -

Q Had you ever seen Bob Knight up to that time? A No, sir.
Q You wasn't over there at that time, the Knight place? A I had passed the road.
Q You saw these folks there? A No, sir.
Q You didn't see them? A No, sir, I can't call it.
Q You never saw any of these darkies at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was hit? A Never was right at the place.
Q Was it over at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Len Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in these cases and the others to which it is applicable.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

C. A. [Signature]

Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes
Vinita, T. Y. October, 23rd, 1901.

In the Matter of the Application of Louis Martin et al., O. F. D. 289

SUPPLEMENTAL TESTIMONY

Appearances:

James S. Davenport for Cherokee Nation
Hallett & Smith for applicant.

R. C. HARFORD, being first duly sworn by Commissioner T. B. Needles, testified as follows for the Cherokee Nation:

(By Davenport)

Q What is your name? A R. C. Harford.

Q How old are you? A 44.

Q What is your post office address? A Ottawa, Kansas, Franklin County

Q How long have you lived there? A Since June, '65—1865.

Q Since you have been living at Ottawa, Kansas, did you become acquainted with a colored family named Martin? A Yes sir.

Q Do you know what any of their first names were? A I was acquainted with a man named Lou Martin.

Q What was his wife's name? A Sarah.

Q Did they have any children? A Yes sir, four boys, Will, George, John and Fred.

Q When did you first become acquainted with Lou Martin? A In '63 or '70.

Q Where were they living when you first became acquainted with them? A They lived in the same block I did in Ottawa, on Pecanar Street.

Q How long did they live there after you became acquainted with them? A About four years.

(By Smith)

Q What was the eldest one of his boys? A Will.

Q Which is the next oldest? A John.

Q Which was the youngest? A Fred.

Q What did the old man do there? A He was a blacksmith.

Q Do you know that that is the man that was applying for enrollment in this case? A I know that Lou Martin has applied.

Q How do you know? A From what I heard.

Q Are you swearing from what you heard or from what you know? A I have heard that he has applied.

Q I ask you if you are swearing from what you know or from what you have heard? A I don't know that he has applied, positively, I just heard he had.

Q Then you don't know positively that the man you are swearing about is the man that has applied or not? A No sir I don't.

Q You didn't know him until '63 or '70? A No sir.

Q Where did he come from to Kansas? A He came from Napoleon to Ottawa.

Q Where did you come from to Ottawa? A I came from Brown County, Indiana.

Q Did you ever live in Napoleon, Kansas? A No sir.

Q Was Ottawa the first place you ever lived in Kansas? A Yes sir.

Q Have you never been away since you came there? A Only for two or three months at a time.

Q You have never seen Lou Martin since '70? Not since he left there.

Q When was that? A '75 or '6.

Q How long did you say he lived there? A I was acquainted with him four, five or six years.

Q Was he there when you got there? A No sir, three or four years after.

Q Not there he came there, three or four or five years after.

Q What was it, three or five? A I didn't know his date as to when he came, but it was from '63 to '70 some time along there when he

55

Chasoon Wren

Subscribed and sworn to before me this 24th of October, 190

C. R. Beckwith

Commissioner.

File with Cherokee Freedmen B-358, John Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wanted, I.T., October 25, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants:

Appearances:

Hallette & Smith, attorneys for applicants;
W. F. Hastings, of counsel for Cherokee Nation.

N. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Q. Smith: State your name? A. N. B. Rowe.

Q. What is your residence, Mr. Rowe? A. Howe.

Q. What is your age? A. 52.

Q. How long have you lived in the Cherokee Nation, Mr. Rowe? A. I have lived here all my life.

Q. Are you a Cherokee Indian by blood? A. Yes, sir.

Q. Were you out of the nation during the war? A. No, sir.

Q. Where were you, Mr. Rowe, in the year 1868? A. I was at my father's place.

Q. Where did your father live at that time? A. Lived in Saline district, Cherokee Nation.

Q. Did you know a colored man named George W. Vann? A. Yes, I know George.

Q. Which George is it you know? A. I know George Vann, lives on Spring Creek.

Q. Spring Creek George, sometimes called Spring Creek George? A. Yes, sir, Spring Creek George.

Q. Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A. Well sir, there was a fight down there, to the best of my recollection it was in '68, fall of '68.

Q. Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A. There was three men killed I think, to the best of my recollection.

Q. What knowledge have you that they were killed? A. What knowledge have I?

Q. Yes, did you see them? A. Yes, I saw the dead men afterwards, saw bullet holes in them.

Q. Do you know whether they were buried or not? A. Yes, they were buried at Aunt Katie Williams place.

Q. Who were the men? A. Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.

Q. Were they colored men? A. Yes, sir.

Q. Who helped to bury them? A. A whole lot of colored fellows buried them there.

Q. Can you think of those whose names you remember? A. There was Robert Vann, Eli Vann, George Vann, Joe Bean, and a good many more I don't recollect.

Q. How many more do you think there were besides those you mentioned? A. I don't know, I never counted them.

Q. Do you know what was ever done about that after, whether any money was ever appraised or not? A. No, sir, I never knew whether money was appraised about it.

Q. Now, was the George Vann that you speak of, white or not? A. Well, that you speak of, a white man, he was Spring Creek George.

R

C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:

Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys for the applicants;

W. W. Hastings, of attorneys for the Cherokee Nation.

C.D. MARKHAM, being first duly sworn, and being examined testified as follows:

BY MR. MELLETTE:

Q What is your name? A C. D. Markham.

Q Where do you live? A At Tahlequah, now.

Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.

Q Are you a Cherokee citizen by blood? A Yes, sir.

Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.

Q What were you doing? A Selling goods.

Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.

Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.

Q Was there more than one? A Yes, sir, I think there was as many as three.

Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.

Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.

Q Now that was in '66 you said? A Yes, sir, I know it was '66.

Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes, sir.

Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.

Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.

Q And in the meantime this man Elliott had been killed? A Yes, sir.

Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.

Q That there had been a fight? A Yes, sir.

BY MR. HASTINGS:

Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.

Q You don't know either about Tobe Bean being in it? A No, sir.

Q You never saw Tobe Bean at the time? A No, sir.

Q You don't know what place on Horse Creek it was? A No, sir.

Q That is all you know about it? A Yes, sir, that's all.

Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTE:

Q You know whether George Vann was in that fight or not? A No, sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.

Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the "Vann family? A Yes, sir, but I don't remember the name.

Q When did you see George Vann after that? A I coul'n't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.

BY MR. HASTINGS:

Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:

BY MR. MELLETTE:

Q What is your name? A Joshua Ross.

Q How old are you? A 69.

Q You are a Cherokee by blood? A I am.

Q Where were you in the fall of '66, and the winter of '66?

A I was at Fort Gibson, and Tahlequah.

Q Were you at any time up about Locust Grove, a store up there?

A Yes, sir.

Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.

Q You mean was it in December '66 or along there in '67? A Yes, sir.

Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.

Q Was that after or before this man Elliott was killed? A It was after he was killed.

Q Now do you know George Vann? A I do.

Q Did you see him along about that time? A Yes, sir.

Q Where? A I saw him there at this time.

Q While you were taking these claims? A Yes, sir.

Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.

MR. HASTINGS waives cross-examination.

S. S. STEPHENS, being first duly sworn and being examined testified as follows:

BY MR. MELLETTE:

Q What is your name? A S. S. Stephens.

Q What is your age? A I am about 64 years old, 63 or 4.

Q Are you a Cherokee by blood? A Yes, sir.

Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.

Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.

BY MR. HASTINGS:

Q George Vann alive? A Yes, sir.

BY MR. MELLETTE:

Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.

BY COMMISSION: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.

Q What year was that? A That was '66; I wrote the order myself. I remember making the order for more, I was elected school superintendent.

Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.

Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.

Q What year was that? A That was in the fall of '66 as near as I can remember.

Q And you don't know the time? A Yes, sir.

Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.

Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.

Q Did you know Tobe? A Tobe, I mean, I know them well.

Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.

BY MR. HASTINGS:

Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.

BY MR. MELLETT:

Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.

Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.

BY MR. HASTINGS:

Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.

Q You were around with us a good deal of that time? A Yes, sir.

Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.

Q Also a great many witnesses were introduced on both sides? A Yes, sir.

Q There was a great deal of discussion about it? A Yes, sir.

Q Did you ever go on the stand and testify at that time? A No, sir.

Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you knew and now testify about? A No, sir.

Q Never told any one about it? A No, sir, you requested me at

Claremore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.

Q You told me about it? A Yes, sir.

Q And you told me you knew it too? A You never asked me.

Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see, - it was Sam's wife I think, she was there at Rachel's.

Q And I sent you over there? A Yes, sir.

Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.

Q You never told me anything you knew about it? A You never asked me a single thing.

Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.

Q This question was largely discussed at that time? A Yes, sir.

Q Well, you never told me you knew those facts you testify about now?

A Never did I say a word to you about it.

Q How long were you with us? A Was with you during the whole time, that is from Vinita down.

Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.

Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.

Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.

Q You saw Tohe Bean in '66? A Yes, sir.

Q Where? A Up here at Island Ford.

Q Living there? A I suppose living right there yet.

Q He was living there? A Yes, sir.

Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.

Q Have you ever been tried in any courts for anything? A No, sir.

Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now,

you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. GREEN.

Arthur C. Groninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

original transcript.

Arthur Croninger

Subscribed and sworn to before me this 12th day of April, 1902.

Philip Rutter
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Waskogee, I. T., April 5, 1908.

Supplemental testimony and proceedings in the matter of the application of MARTIN MARTIN for enrollment as a Cherokee Freedman.

Appearances:

Mallett & Smith, attorneys for applicant.
W. W. Hastings, attorney for Cherokee Nation.

E. J. Clayton, being first duly sworn, and being examined, testified as follows:

Mr. Hastings: What is your name? A E. J. Clayton.

Q What is your age? A I was 55 years old the 22d day of February last.

Q What is your post office? A Walkertown, Bourbon County, Kansas, at this time.

Q When did you come to the State of Kansas?

A I got here on the 7th day of September, 1867.

Q Did you know a colored man by the name of William Martin? A Yes sir.

Q Did you know his wife? A Yes sir.

Q What was her name? A We called her Oneida.

Q When did you become acquainted with the husband and wife?

A I suppose about the 18th, I think. I put a wagon tongue in in the shop on the 18th of September, as near as I can remember.

Q What was Bill Martin doing? A Blacksmith.

Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter, and no longer.

Q You did work at the wagon trade for that winter. A Yes sir.

Q The winter following September, 1867? A Yes sir. The winter and spring of 1867 and 1868.

Q It was the winter after you got to Kansas? A Yes sir.

Q How long did you continue to know this family, Martin and his wife? A I knew them until 1868. I think, I forget just now. He died there about that time, right south of me right on Roach's place.

Q Have any family? A Yes sir, had several children.

Q Know any of them? A Yes sir, but I have forgotten their names.

Q Did Bill Martin have a brother that you know of? A Yes sir, he had Lou Martin, who was a blacksmith and worked there with us at that time.

Q How long did Lou continue to live there? A Until 1876. They worked together until he went away. I seen him there, but never knew anything about him afterwards.

Q He lived around there until 1876? A Yes sir.

Q How long after you come there before you got acquainted with him in the fall of 1867?

A Both worked together in the shop. Worked all together. He had two more brothers there.

Q What were their names?

A One was Tobe and the other was Peyt, I think he was older than Bill or Lou either one. Peyt was the next one.

Q How long did you know Tobe? A Until about 1878.

Q He was a brother to Louis and Bill Martin? A Yes sir.

Q And a brother to Peyton Martin? A Yes sir.

Q Did you know Peyton Martin? A Yes sir, knew him well.

Q How long did you continue to know Peyton Martin up there?

A I knew him from 1867. They all kind of hung together, those brothers did. I knew him from 1867 to, I think it was 1869, that some fellow tried to arrest him on some kind of a charge, stealing a horse or a gun, I forget which.

Q Did he run away?

A Yes, but they caught him and brought him back, but did not appear against him, then he went away to the Cherokee Nation, and I heard that he was dead. I never knew anything about him after he left there.

Q That was in 1869? A Yes sir.

Q Did you know him continuously from 1867 to 1869.

A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.

Q Did you know Peyt's wife? A Yes sir.

Q Did you know who he married?

A A girl by the name Hannah Sheals.

Q Do you know a brother of Oneatie Martin's, Jack Bean?

A Yes sir, I knew him too.

Q When did you first know him?

A It could not have been later than the middle of September, 1867.

Q How long did you know Jack Bean? A He left there in 1868.

Q Was he living there when you came there in 1867?

A Yes sir, he had made a crop up there that summer.

Q He had a family? A Yes sir, he said he had, I never seen his family to know them.

Q Did you know a colored man by the name of Tobe Bean?

A Yes sir. He was a brother to this Martin's wife, he said.

Q How long did you continue to know Tobe Bean up there?

A I knew him until 1868. He helped me harvest in 1868, I think.

I am pretty sure he did. My brother and he was together there.

Q You and Bill Martin, the husband of Oneatie, worked together in the shop in the fall of 1867? A Yes sir.

Q Louis worked with you? A Yes sir. Both blacksmiths and good workmen, I thought.

Q Is there any peculiar circumstances that makes you remember Jack Bean, any trade that you made with him?

A He never paid me for a pistol that I brought out of the war.

I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.

Mr. Mellette: What is your name? A E. J. Clayton.

Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation?

A I don't know whether he is an applicant for enrollment or not.

Q How was Tobe Bean, was he a lame man? A I think so, for he had a sore foot.

Q You will swear that it was the Tobe Bean you know?

A Yes sir, the brother of Oneatie Martin.

Q When did you know him first?

A He was there around the shop all the winter of 1867, pretty much.

Q The winter of 1868 and 1867, you mean?

A No sir, I was not here, it was 1867.

Q The winter of 1868 and 1867? A It was the fall of 1867 and the spring of 1868.

Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a lame man? A I don't know whether he is or not.

Q When did Oneatie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878, I don't know which.

Q She didn't come to the Cherokee Nation in 1868?

A I never heard tell of her in 1868. I was not there in 1868. I knew her in 1867.

Q You said 1877? A I said it was in 1877 when she came to the Cherokee Nation, 1877 or 1878.

Q Was she there in 1877? A She was up there in 1877 or '78. I forget which it was.

Q Where was Oneatie Martin in 1867?

A Lived on Hogan's place, eight miles or more from Mableton there.

Q Did she come to the Cherokee Nation in the fall of 1868?

A I was not here in 1868.

Q When did you move to Kansas? A Moved in 1867.
 Q Was Neadie Martin in Kansas when you came there? A I think she was.
 Q Do you remember her? A Yes sir.
 Q How long ago has it been? A Since 1867?
 A Thirty-three or -fort years.
 Q When were you first asked to remember back that far as to these people?
 A Never asked to remember back to these people.
 Q When were you first talked to about being a witness in this case?
 A About two or three hours ago. You mean about this Neadie Martin case, two or three hours ago.
 Q When were you first asked anything about any of these colored people up there, when you first knew them? When were you first talked to about being a witness in any of these cases?
 A A week or two ago, I guess.
 Q You have not seen any of these people since they left Kansas, have you? A No sir.
 Q You don't know anything about them? A No sir.
 Q That is a long time to remember? A I guess it is.
 Q You keep in your mind clearly all the names of these different colored people, do you?
 A Yes, and a whole lot more of them that live there.
 Q Why do you remember their names so distinctly?
 A They worked for me. This Neadie Martin washed for my wife.
 Q You remember Tobe? He is a brother to Bill Martin?
 A I think he was the oldest one of them.
 Q What county was that in? A Bourbon County, Kansas.
 Q How far from the Cherokee line? A About 75 miles.
 Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
 A I know that he was. That is, I know that there was a Tobe Bean there.
 Q Was he a lame man? A He was lame there that winter at some time. I don't know whether it was a permanent lameness, or anything about it.
 Q What time did you see him? A He was around the shop in the winter.
 Q When, of 1867? A Yes sir.
 Q That would throw him into the year 1868 too?
 A Yes sir, I think he left there in 1868 or 1869. That is, in the winter, probably, of 1868.
 Q Tobe Bean left there in 1868? A Yes sir, I think he did.
 Q The Tobe Bean that you are talking of? A Yes sir.
 Q He did not then, leave Kansas in the fall of 1866 or the fall of 1867? A I don't know what he done in 1866. I was not there in 1866.
 Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
 Q Never went away? A I never missed him if he did. He was around the shop there.
 Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr. Hastings: Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?
 A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:

D-368, D-369, D-370, D-412, D-365, D-366, D-356, D-357, D-358, D-911, D-910, D-304, D-413, and in the case at bar.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson.

DEPARTMENT OF THE ARMY
COMMISSION TO THE CIVILIZED TRIBES

FILED
APR 15 1902

[Signature]
Acting Chairman

The undersigned, being duly sworn, depose and state that the copy made by the undersigned is a true and correct copy of the original.

E. F. Rothman

Subscribed and sworn to before me this 14th day of April, 1903.

W. H. [illegible]
Notary Public

Cher Fr D 657

Cher Fr D 657

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 15, 1901.

In the matter of the application of Lewis Martin for the enrollment of himself, his wife and one child as Cherokee Freedmen.

Lewis Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Lewis Martin.
Q Who is it you want to apply for, anybody besides yourself?
A Just one child.
Q Yourself and one child? A Yes, sir.
Q I that child under 21 years of age? A Yes, sir.
Q Is it unmarried? A Yes, sir.
Q Never been married? A No, sir.
Q How old are you? A Ma, I am about 64 years old.
Q What is your postoffice? A Chelsea.
Q In what district do you live? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation more or less ever since '66.
Q Where did you live before '66? A Before '66 I lived here till the breaking out of the war I went to Kansas.
Q You said you had been living in the Cherokee Nation more or less since 1866? A I was running around, I have been in the Cherokee Nation, I never lived anywhere particular, worked around, I worked in Kansas some of the time, my home has been here ever since '66.
Q Where did you live before the war broke out between the North and South? A I lived on Grand River.
Q Were you a slave in that time? A Yes, sir.
Q Were you a slave at the time the war broke out? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q To whom did you belong? A Joe Martin.
Q Was he a Cherokee citizen? A Yes, sir.
Q Have you been duly recognized and admitted to the rolls as a Cherokee Freedman? A No, sir, I am not.
Q Give me the name of your father? A My father's name was Harry Martin, was my owner's name.
Q Is he dead? A Yes, sir.
Q Has he been dead how long? A Well, I don't know, he died during of the war.
Q Give me the name of your mother? A Celia.
Q Is she dead? A Yes, sir.
Q How long since she died? A I don't know, about ten or twelve years as near as I can remember.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Was she duly recognized as a Cherokee Freedman? A No, sir, she was too old to ever get around to be recognized.
Q Give me the name of your child? A Ernest Martin.
Q How old is the child? A I think, as well as I can remember, it is about 12 years old.
Q Is your child living now? A Yes, sir.
Q Give me the name of the mother of that child? A Sarah.
Q Your wife Sarah? A Yes, sir.
Q Is she dead? A No, sir.
Q She is living, is she? A Yes, sir.
Q Have you and she parted? A No, sir.
Q Why don't you not apply for her? A Well, because she is a non citizen, she isn't a citizen.
Q When did you marry Sarah? A I married her I think about '64.
Q Where did you marry her? A Married her in Kansas.

Q Have you and her lived together as husband and wife ever since 1864? A Yes, sir.

Q How old is your wife? A I think, as well as I can remember, she is about 54 years old.

Q What district were you living in in 1880, or were you living in the Cherokee Nation? A Yes, sir.

Q What district were you in? A I was in Cooweescoowee part of the time.

Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.

Q Have you ever drawn money? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

A I am not on that I know; I know the reason why I am not.

Q Did you draw Cherokee strip money? A Yes, sir.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Lewis Martin on page 158, No. 3916, Cooweescoowee district, as Louis Martin.

Ernest Martin on page 158, No. 3918, Cooweescoowee district.

Sarah Martin not on Kern-Clifton roll.

The Wallace roll examined and the applicant Lewis Martin identified thereon, page 131, No. 2742, Cooweescoowee district.

Q Your wife Sarah, she is not on any roll at all? A No, sir, she is not a citizen.

Q Were you ever married except to her? A Yes, sir.

Q How many times were you married before you married her? A Only once.

Q Was your wife dead when you married Sarah? A Yes, sir.

Q Was Sarah ever married except to you? A Well, no, sir, she wasn't married before she married me.

Q Hadn't she ever lived with a man as husband and wife? A No, sir.

Q Well now, how comes it you are not on the roll of 1880; didn't you apply? A The reason I didn't apply a man used to live with me and another fellow I was acquainted with, he had went to enroll and they told him they wasn't enrolling any negroes that has been in Kansas, and I knew I had been there, and didn't go.

Q How comes it you are not on the 1896 roll? A I am not on the 1896 roll; I went towards the enrolling, I didn't go for that purpose, and I asked the question, what are you doing, and a man told me they were taking a roll of the Cherokees, and I didn't pay any more attention, I just walked off, I knew I wasn't any Cherokee.

Q You were up in Kansas during the war? A Yes, sir.

Q What time did you come from Kansas? A Come back in the fall of '66.

Q How did you happen to come back in '66? A Well, the postmaster was reading the paper, and he told me, and he asked me did I live in the Cherokee Nation before the war, and I told him yes, sir, and he said you people that belong in that Cherokee Nation down there have the same rights as they have, says if you will go back, and I told him at the time I didn't care nothing about it, I was a little afraid and he says don't be afraid, they have made a treaty and if you all go back you have the same rights as they have, and I pulled up and started.

Q You came back when you heard of that treaty? A Yes, sir.

Q You came back in order to keep your being in Kansas from counting against you? A I don't understand that.

Q Did you come back so as to be within the time fixed by the treaty? A Yes, sir, that is what I aimed to do.

Q Did you understand that if you came back within a certain time that your being in Kansas wouldn't count against you? A Yes, sir, he told me if I came back in '66, he says you will be a citizen of that

country.

Q That is what you understood at the time? A That is the way I understood it.

Q Was that your object then in coming back in '66? A Yes, sir, that was my object.

Q So as to get your rights? A So as to get my rights.

Q So your being in Kansas wouldn't be counted against you? A That is what I thought.

Q How comes it when you went to enroll in 1880 you didn't go on up to be enrolled, when somebody mentioned you has been in Kansas?

A Well, I told you one reason I didn't go; I didn't have any one to go with me, I had got bushwhacked once and I was afraid to go around much, I was bushwhacked coming back from Kansas and three got killed out of my crowd.

Q Were you still afraid of that in 1880? A Yes, sir, I was still afraid of that and I am still afraid of running about by myself.

By J. S. Davenport, Cherokee Attorney: Where were you living in 1880

A I didn't have any established home, I was working around living along with my people, with my brothers wife, Junie, I didn't have any regular home, I didn't stationery myself at all, because I was hard up and didn't have nothing.

Q Did you have any family? A I have got a family, but my family wasn't v'ith me.

Q Where was your family in 1880? A They were here sometimes.

Q I ain't they living in 1880 in Kansas? A They was here part of the time in 1880, and part of the time in Kansas.

Q What part of the time in 1880? A I can't tell you just what month they were here, they were there some and some here.

Q The some they were making the roll down here they were that some up in Kansas? A No, sir, they wasn't.

Q When you came back from Kansas just after the close of the war, what year was that you came back to the Territory? A I came about '66.

Q Didn't you come back first according to your own testimony in '65? A I came back here and went to Fort Gibson driving a train in '65 or '4.

Q And you went back to Kansas after that? A Yes, sir.

Q And the next time you came back was in '67? A No, I came here in '66, I came here in '66 sure.

Q You testified before the Kern-Clifton Commission, didn't you?

A Yes, sir.

Q Didn't you testify there that you came down to the Territory in '65 and made a crop, went back to Kansas, and then came back?

A No, sir.

Q (Reading) "I was bushwhacked on my way to Fort Gibson on Horse Creek, they killed three of our crowd, I came back the last time in 1867." Now did you testify to that or not before the Kern-Clifton Commission? A I did not, it was a mistake someway or other, for it was in '66 when I came back.

Q For several years you lived in Kansas and the Territory and back and forth just anywhere? A I lived in Kansas not a year since '66.

Q But you have been living there? A I have worked there, I am living anywhere where a man stops.

Q Did your wife and children live up there for quite a while after 1866? A No, sir.

Q Did they ever live there at all? A Lived there; when she wanted to go back there, when she wanted to be confined, her mother lived there, and she would live with her.

Q Where did you first locate and make a home in the Cherokee Nation after you came back? A I didn't build any place, I just located on Pryor Creek right close to my sister, and I just kept an improvements up there, the claim.

Q What part of Pryor Creek? A I can't tell you; close where my sister lives, eight or ten miles north of Chelsea.

Q When was that? A I can't tell you, that has been 18 or 19 years ago.

Q That was the time you came back from Kansas? A No it wasn't.

Q Where did you live in the Cherokee Nation before you lived up there on Poror Creek? A I lived some here in Vinita around north of Vinita and south of Vinita.

Q Who was living in Vinita at the time? A Lots of people, I don't know.

Q About what year was that? A I can't tell you just what year that was either.

Q Was that before or after the railroads were built to Vinita?

A It was after the railroad was built I lived here.

Q Did you come to Vinita and locate immediately after you came from Kansas? A No, sir.

Q Where did you locate before you came to Vinita? A I tell you I stayed a while with Mose Riley before that, they are relations of mine, I stayed with them.

Q Where did Mose Riley live? A He lived out west of Chelsea, northwest of a while.

Q That is where your sister lived? A No, I have got no sister, I have one sister living, none out there, no, sir.

Q Where did you live before you went to Mose Riley's, after you came back to the Cherokee Nation? A I tell you I never had any stationary home at all, I just lived here and there, where I could get a job, I never built.

Q Where did the other people live you stayed with? A I tell you I never stayed with none, I just went around with my kin people, I stayed a while with Riley and I stayed at my sister's and I stayed at Dave Martin's on Big Creek, and another cousin of mine called Nellie Wilson.

Q Who did you stay with when you were living in Vinita? A I stayed with my own people.

Q Who were your own people? A My family, they were living in Vinita then.

Q Did they have any name? A Yes, sir.

Q Why can't you tell the name? A There was my wife, and Bill my stepson.

Q Bill who? A Bill Martin they called him, and George Martin, Fred Martin, Jannette Martin.

Q They were all living here in Vinita at that time? A Yes, sir.

Q Where was that town in Kansas that that postmaster called your attention to the treaty being made? A It was in a little town they called Mayleton.

Q Was there any railroad there at that time? A No, sir.

Q How far was it to a railroad from where you lived? A I can't tell you, I don't recollect whether there was any railroad at all.

Q About how far from the Cherokee line? A I can't tell you that.

Q Was it in sight of the line? A In sight; why not that I know of.

Q How long did it take you to reach the line of the Cherokee Nation when you started? A I don't know where the line was and don't yet.

Q Where do you live now? A I live near Chelsea.

Q You have lived here since '66 you say? A Yes, sir, from time I say I was here living.

Q And you don't know where the line of the Cherokee Nation is between the Nation and Kansas? A No, I don't.

Q Have you ever been back to Kansas since '66? A Yes, sir.

Q How do you know when you got back to Kansas? A When I came to the town I know it was Kansas.

Commissioner: How many children have you altogether? A I have five I believe, as well as I can recollect.

Q What are their names; what is the name of the oldest one?

A My oldest one is named John.
 Q How old is John? A I don't know just exactly, I can't tell, he is something in thirty.
 Q What is the name of the next child? A George.
 Q How old is George? A George I think is thirty something too.
 Q The next child? A Fred.
 Q How old is Fred? A He is 24 or 25, I just can't remember their age, I haven't got them down.
 Q What is the next child after Fred? A Albert.
 Q How old is Albert? A He is about 21 years old.
 Q What is the next child? A He is about 12.
 Q What is his name, Ernest? A Yes, sir.
 Q That is the child you are applying for? A Yes, sir.
 Q Where was John born? A John was born in Kansas.
 Q Where was George born? A In Kansas.
 Q Where was Fred born? A In Kansas.
 Q Where was Albert born? A In Kansas.
 Q Where was Ernest born? A Out here near Chelsea.
 Q Are you keeping house in the Cherokee Nation now? A Yes, sir.
 Q Where is your house? A My house is out about three miles north of Chelsea.
 Q How long have you lived there? A 13 or 14 years, as well as I can recollect.
 Q Been living there in that one house? A Yes, sir.
 Q Did you ever keep house before that? A No, not always.
 Q Have you any other children besides these five you have named here? A Yes, there is another child there, he is a stepchild.
 Q Have you any children of your own I mean, you and this wife? A Yes, sir, I had one.
 Q That one is dead? A Yes, sir.
 Q What was the name of that child? A She was named Eliza.
 Q How old would she be if she was living now? A I can't tell you, she was born before the war.
 Q She was older than John? A Yes, sir.
 Q Where was she born? A She was born here in the Territory before the war.
 Q Before the war you think? A Well, I think just about the beginning of the war, or maybe before.
 Q Is she the child of this woman Sarah? A No, sir.
 Q Child of another woman? A Yes, sir, she is dead.
 Q That is the first wife you had? A Yes, sir.
 Q You say that you and your family have never kept house except in the house where you are living now? A No, never kept house, never have, I brought all my things here in '66, I never had nothing, and left them up on Spring Creek and never got them.
 Q Has your wife been with you all the time in your roving backwards and forwards? A No, she wasn't with me, sometimes I would send for her and sometimes I would go myself, send her back to her mothers.
 Q To Kansas? A Yes, sir, her mother lived there.
 Q Sometimes you would take her? A No, I never took her myself many a time.
 Q Well, now you told me that you had been living in the Cherokee Nation off and on, and you have been in Kansas, and to the Cherokee Nation off and on? A I have been there yes, sometimes.
 Q Now all your information is of an extremely indefinite character; can't you tell me in plain, practical, common-sense way just where you and your wife and all these children have been spending your time since 1885? A Yes I can tell you.
 Q Well do it? A Well, I will tell you.
 Q Give me the names of the places and the times you have lived at these places; you have had too much of a family just to be a rolling stone all the time? A Well, they were not rolling all the time. Three of these biggest children has stayed with their mother,

their grandmother, the biggest part of the time.

Q I am talking about you too? A Well, maybe I was here working around and sometimes I would work up there in Kansas, I would work sometimes two months or three months and I would come down here.

Q Have you had any settled abiding place at all? A No, sir, not a year at a time.

Q Have you not been stationed at one place for several years? A No, sir, not since 1880, or up till 1880, or, sir.

Q Not been staying at what as one year or a place? A Yes, I have stayed as much as a year.

Q How many times have you stayed at one place as much as one year? A Nearly a time but not.

Q What was that? A I can't tell you the year at all, it has been some time ago.

Q Was it before 1880? A I think it was as well as I can remember.

Q Just working from pillar to post? A Just worked where I could get a job.

Q And your wife not going around on these little trips with you? A No, sir.

Q Did you ever vote up there in Kansas? A No, sir.

Q Have you anybody here who knows that you and your wife have been married? A Yes, sir.

Q Who is there here? A Yes, sir.

JOHN BRAN, being duly sworn and examined by Commissioner Krockinridge, testified as follows:

Q Give us your name? A John Bran.

Q How old are you? A About 38 years old.

Q What is your postoffice? A Vinita.

Q How long have you lived in the Cherokee Nation? A Been living here all my life.

Q Do you know this applicant here, Lewis Martin? A Yes, sir.

Q How long have you known him? A Been knowing him forty or fifty years I guess, we were boys together.

Q Do you know his wife? A Yes, sir.

Q What is her name? A Sarah.

Q Was this man ever married except to this woman? A Yes, sir.

Q How many times? A Once is all I know of.

Q Was that wife dead when he married this woman? A Yes, sir.

Q About how long have he and this woman Sarah been married? A Must be thirty some odd years I guess.

Q Have they been living together ever since as husband and wife? A Yes, sir, to my knowing.

Q Where did you first know his wife Sarah? A Up in Kansas at Mapleton.

Q Where is she at that time? A She is up at Farther Creek.

Q How long has she been living out there? A I don't know how long she has been living there.

Q How far is that from Vinita? A About twenty miles, out the other side of Chelsea.

Q Has she been living there long? A Yes, sir.

Q Is she keeping house out there? A Yes, sir.

Q Who lives there with her? A Mr. Martin here and his family lives there.

Q Any children living there with them? A Yes, sir.

Q How don't know how long they have been living out there? A No, sir, I don't know exactly.

Q You think that is twenty miles or more south better from Vinita? A Yes, sir.

Q Have they been living there as much as five years? A Yes, sir, longer than that I guess.

Q They have been living there as much as seven years? A Yes, sir, I reckon seven years or longer, been longer I guess, I don't know exactly when he moved there? I live out east here and he lives west out there.

Q Have you ever been to that house? A Yes, sir, been to that house.

Q You know just where it is? A Yes, sir.

Q How often have you as a general thing seen this man Lewis Martin, say since for the last twenty years? seen him every six or eight months? A Yes, sir, sometimes about a year before I see him, we live a good piece apart to see him pretty often.

Q What do you know about his doings since from '06 down to this time, where has he been living? A Living at Vinita a while, and Pryor Creek, and I don't know where he did live.

Q A man who has got a family of children and a wife, generally every man has some kind of a living place, where has he been making his home mostly since '08 or '09, since the war closed? A Out on Pryor Creek I reckon, but he lives a good piece from me, I haven't been keeping the run of him; I see him once in a while though.

Q You have been seeing him every six or eight months or a year?

A Yes, sir, sometimes maybe a year.

Q And you don't know where he has been living during that time?

A No, sir.

Q Can you name any place that he has been making his home except out here on Panther Creek? A Lived here at Vinita a while.

Q How long did he live in Vinita? A I don't know exactly how long I know he was a crop or two.

Q Do you know where he has been, any other place except Panther Creek and Vinita? A I heard he was living on Pryor Creek, I never seen him when he lived down at there.

Q That is all you can say about where he has been living and all that? A Yes, sir.

Mr. Davenport: Where was he living when you first got acquainted with his wife Sarah? A In Kansas.

Q About how long has that been? A About thirty some odd years ago.

Q Do you know whether or not he moved from Kansas to this place out here north of Chelsea where he is living with his family now?

A No, sir, I don't think he did, for he lived at Vinita before he moved there.

Q Do you know whether or not his family ever lived at Vinita?

A Yes, sir.

Q Anywhere near this place out there near Hollis F. Adair's place out north from there? A I don't know, I know his place must be two or three miles northwest of Chelsea.

LEWIS MARTIN, recalled, testified:

Commissioner: The Commission has not yet decided whether a person can acquire rights as a Freedman by intermarriage, and your wife, if you have rights, may have rights as an intermarried Cherokee Freedman. So you had better include her in your application. You agree to that, do you? A Yes, sir.

Commissioner: The applicant applies for the enrollment of himself, his wife and one child. The applicant is identified on the Wallace roll and on the Kern-Clifton roll. He is not identified on the roll of 1890 or on the census roll of 1896. The testimony in regard to his residence after the war will need to be carefully considered. It is not contended that he was a Cherokee slave before the breaking out of the war, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

His wife is not identified on any roll, but it is shown in a satisfactory manner that they were married some thirty

four or more years ago. The applicant states that he was once previously married, but this former wife was dead when he married his present wife, and that this present wife was never married except to him. They were married in the State of Kansas. For the further consideration of her rights, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

The child, Ernest Martin, said to be 12 years of age, and now living, is identified on the Kern-Clifton roll, but not upon the census roll of 1896. This child will now be listed with his father and mother as a Cherokee Freedman on a doubtful card.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones.

Sworn to and subscribed before me this the 15th of May, 1901.

Signed, T. B. Needles,
Commissioner.

Supplemental Testimony

Mellette & Smith for applicant

To be filed with C.F.D 289

W.W.Hastings for Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6th, 1901.

GEORGE WESS VANN, called and sworn by Commissioner T. B. Needles testified as follows: for the applicant:

By Smith of counsel for applicant:

Q What is your name? A George Wess Vann.

Q Where do you live? A On Verdigris river, Choowesscoowee district.

Q In the Cherokee Nation? A Yes, sir.

Q Are you on the 1890 roll? A Yes sir.

Q Do you know Lewis Martin? A Yes, sir.

Q How far does he live from Chelsea? A I guess about three miles.

Q About how long has he lived there? A I don't know how long.

Q How long have you known of his having lived there? A Since about '79 I think.

Q Were you asked to testify in his case at Vinita? A Yes sir.

Q Did you go there for that purpose? A Yes sir but he never went into the tent to apply while I was there, I was on the jury as court and had to go back to court.

Q How long have you known this Lewis Martin? A I had seen him a time or two, he came in the same crowd I did in '86.

Q Where did you come from and where did you come to? A Come from Kansas to the Cherokee Nation.

Q When was that? A In '86.

Q Was this man Lewis Martin one of the parties that was with you? A Yes, sir, at that Horse Creek battle.

Q What do you mean by the "Horse Creek battle"? A A fight where we had three men killed and one wounded.

Q Who did you fight with? A I don't know, the all run off.

Q Where was that fight? A On Horse Creek, in the Cherokee Nation.

Q Do you know what became of Lewis Martin after the fight? A He went with us where we lived.

Q Where? A Spring creek.

Q How long did it take you to go from Horse Creek to where you lived on Spring Creek? A I don't know exactly, think it was about a day and a quarter.

Q How long did she stay at your place? A Week or two.

Q Where did he go from there? A He said he went to Kansas, I saw him two years after that.

Q Where? A On Grand river.

Q What was he doing there? A I just saw him there, I was at a camp meeting.

Q The next time you saw him was when? A The next time I saw him was out here in '79.

Q Where was that? A On the Verdigris.

Q Where has he been since that? A I have seen him in Cooweescoowee district off and on since.

Q Near what place? A Chelsea.

By F. W. Hastings for the Cherokee Nation:

Q How old are you? A 51 years old.

Q Where were you born? A On Spring Creek.

Q Who did you go to Kansas with? A Went with my whole Gilbert and a whole lot of colored people, three or four hundred.

Q What point in Kansas were you when you started back here? A Franklin county, near Oasowotony.

Q Who did you say come back with you? A Well I didn't say this time - do you want me to tell all that was along?

Q Yes sir all that was in that crowd of which you have stated at other times you were captain of? A Well there was uncle Sam and Eli Vann and Gloria Chouteau; Art Bean, Walter Vann, Dave Vann, Dennis Vann, Young Gilbert Vann, old man Gilbert Vann, Susie Vann, Kate Vann, Lizzie Vann, aunt Lucy Vann, Patsy Vann, Bill Sanders, Ebbie Shaw, Jess Shaw, Jate Shaw, aunt Mary Musgrove, Jane Musgrove, Jack Bean, Vess Vann, Jess Vann, there was a colored fellow Creek fello along I can't think of his name, Martha Vann, Kate Vann, Boots Vann, Young Sam Vann, Mandy Vann, that is all I can remember just now, whole lot more and a lot of little children I don't remember.

Q You was 16 years old then? A Yes sir.

Q You testify that you were the captain of that crowd? A Yes sir.

Q And there were some of those men along who were 50 and 60 years old wasn't there? A Yes sir.

Q Who were the men that were killed in that fight? A Wess Vann, Phil Daniels and Jesse Vann, and then Tobe Bean was shot through the arm, a flesh wound.

Q About what part of Horse creek was that fight? A I don't know.

Q How far from the Kansas line? A I don't know that either.

Q How far from where it empties into Grand river? A I can't tell you that.

Q About how far, 10 or 15 miles? A I don't know, I wasn't up at the mouth.

Q About how far from where Afton is? A I don't know where that is then.

Q Did you go right on after that fight? A Yes sir.

Q They had this same question up five years ago before the Kern's court? A Yes sir.

Q Did you then ever testify that you were captain of that crowd and had a fight on Horse Creek? A No sir, they never asked me about it.

Q You didn't testify about it? A No sir.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this 15th day of June, 1901, at

-10-

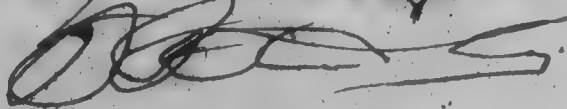
Chelsea, I. T.

Signed, T. S. Needles,
Commissioner.

Bruce G. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he copied the foregoing and that the same is a true and correct copy from the originals.

Bruce G. Jones

Sworn to and subscribed before me this the 22nd of August, 1901.



Commissioner.

X
File with Cherokee Freedman, D- 657

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JESS COCHRAN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Jess Cochran.

Q What is your age? A About 58.

Q Where were you born? A Here in the Cherokee Nation.

Q Cherokee by blood? A Yes, sir.

Q Did you go out of the Nation during the war? A No, sir.

Q Where did you live in '65 and '66? A Out here on Grand River, it was known as the Johnson Thompson place.

Q A brick house there? A Yes, sir.

Q Mr. Cochran, was your father living with you in '65? A Yes, sir.

Q When did your father die? A In the fall of '66, he was killed the 22nd of October.

Q Where was he killed? A On the military road at what was known as the Bob Daniels place.

Q How far was that from the place you are living? A It is about three miles.

Q On what side of the Grand River were you living? A It would be on the west side, same side the military road was.

Q Do you know Bob Daniels Knight, who is a witness here in this case

A No, sir, not that time.

Q You didn't know him then? A No, sir.

Q Do you know him now? A Yes, sir.

Q Did you take any steps after your father's death to apprehend, to catch the people who did the killing? A Yes, sir, I went and got the sheriff and his posse, we were trying to find the man that killed him, his name is Lewis Vitteteau.

Q Where did you go? A I went up right northwest on what is known as Cabin Creek, over near the Lee Schrimsher place, and couldn't see any track of a wagon, which I thought he had gone and left in a wagon, and then I come across northeast in the direction of Horse Creek and I found the place what was known as the old Knight place, it would have been about the first of November.

Q After your father was killed? A Yes, sir.

Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.

Q You made an examination of the house at that time? A Well, we just rode around there, there wasn't a soul in there, it was open and vacant, I had been there before.

Q You made an examination and wasn't anybody living there? A No, sir.

Q Did you have occasion to pass by this same house after that?

A Yes, sir.

Q About how long after this? A It was along in about, I would say about the 10th or 15th of December.

Q Of that year? A The same year.

Q Was anybody living there at that time? A No, sir.

Q Do you know who afterwards lived in that house? A No, sir, I don't.

Q You know what place it was called, known as? A Oh yes, I know it was the old man Knight place.

Q On what creek? A It was near Horse Creek.

Q When did you move away from the Thompson place on Grand river?
A In the spring of '67.

Q Up to that time, did you hear of any fight made upon any negroes on Horse Creek in the Cherokee Nation?

Mr. Mellette: I object to the question as not material in this case. It is pure hearsay.

Mr. Hastings: It is a circumstance that unquestionably ought to be admitted.

Commissioner: I don't think that is a material question.

Q Did you know of any? A Only just heard of it.

Q Did you hear of it at that time? A In 1867, the fall that I went down to Cabin Creek to the store, a man by the name of Maul was selling goods there, and they told me the soldiers had just passed.

Q Don't tell what they said, the others. A That is the only way I got my information there had been a fight.

Q You hadn't heard of any fight before you went to the Knight place in '66? A No, sir.

Q Do you know this applicant, Tobe Bean? A I don't know whether I do or not; in the last few years I might have seen him a time or two; at that time I don't think I knew him.

Q How far were you living from Andy Frye and Millie Frye when your father was killed in October of 1866? A It must have been about two miles, just where the road crosses the river, might not have been that far.

Q You didn't know Tobe Bean then? No, I knew the others that was living there.

Q You were acquainted with the other colored people who were living over there? A Yes, sir.

Q Did you ever see Tobe Bean over there in that year? A I don't remember whether I did or not.

Mr. Mellette: They had a good many fights around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.

Q No fights at all? A At that time there wasn't nobody killed?

A Well there was when my father got killed a month before that.

Q Where did he get killed? A On the military road.

Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.

Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you knew.

Q Do you swear that you heard of every fight that occurred?

A Well, I would remember it if I did hear it, I don't think I heard of any.

Q Where did you say you lived along about that time? A On Grand River.

Q How old were you then? A Well, I must have been nearly 20 years old.

Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.

Q Near what place on Grand River now? A I believe they call it the Ketchum place now.

Q On which side of the river were you living? A I would call it on the east side of the river.

Q You ought to know? A That is what it is.

Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.

Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over 15 miles.

Q When you well acquainted up in that country? A I was, yes, sir.

Q Up where that house stood? A Yes, sir.

Q Whose place was that? A It was known as the Knight place, it was vacant though.

Q How often had you been up in that country? A Well, I can't tell you just how often I had.

Q I just want to know how often you had been up in that country? A I had been to that place three times that year.

Q Do you remember every place; do you remember for 35 years afterwards every place that was vacant at that time? A Yes, sir, I do.

Q You can remember now every place that you passed by in '66 that was vacant at that time? A Yes, sir, there wasn't but one old place between them, known as the Ben Landrum place, that was the only place there was there.

Q You just passed by these places in question? A Yes, sir.

Q Came right through that country? A Yes, sir, came on the military road.

Q Who did you say was with you? A My father when I first got acquainted with the place.

Q Who was with you the last time? A Tom Thompson and old man Johnson.

Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.

Q Were you driving or riding? A In a wagon.

Q You stopped at the spring and passed on; is that all you did? A Yes, that was about all we done.

Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.

Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.

Q How do you know it was in '66? A I know it, I have a posse with me when I came by this place.

Q There has been a good deal of talk about these people remembering '66; how do you remember it; you didn't have to get back? A No, no sir.

Q There wasn't anything to make you remember '66? A Only my father got killed on October 23, 1866.

Q You say you started out to hunt the people that killed him? A Yes, sir.

Q And Tom Johnson was with you? A No, that was the last time I was up there.

Q The last time that Tom Thompson was with you? A Yes, sir.

Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th or 15th.

Q You remember now it was the 10th or 15th of December? A Yes, sir.

Q How do you ~~remember~~ happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Neosho, to get some groceries.

Q How do you remember at this time it was the 10th or 15th of December? A Because it was Christmas coming, we had to get back before Christmas.

Q Might not it have been in November? A No, sir, it wasn't in November.

Q When did you have your attention called to this time before this; never thought of this till since this freedman court has been sitting here? A I don't know, it has been talked about for several years.

Q When was it talked about? A This matter came up about the same way at the Clifton court.

Q You never thought about it then till the Clifton court? A They told me I was subpoenaed on that.

Q The Clifton court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever wore to it, I knew those facts though.

Q You testified to the same facts before the Clifton Court you testified to now? A Yes, sir, as near as I can remember.

Q What do you know about it? Do you think you gave the same testimony then you do now? A I do.

Q Do you remember about Al Lynch getting shot, this colored man, a citizen of the Cherokee Nation? A Yes, sir, I know just about what time, I wasn't there to see.

Q What year was it? A It was in '86.

Q You are certain of that? A Yes, sir, I let him have the whip to get drunk on.

Q Well now you know it was in '86 that Moss Reed shot Al Lynch do you, Moss Whitmire shot Al Lynch? A Yes, sir.

Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.

Q Didn't you go down to Dave Rowe's and tell them Moss Whitmire had shot Al Lynch? A No, sir.

Q You didn't? A No, sir.

Q You are certain of that? A Yes, I had nothing to do with it.

Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.

Q You will swear that? A Oh yes, I never carried any such news.

Q Didn't tell anybody at all? A Of course I might have said that, it was rumormongered, everybody knew it.

Q Didn't you hear falling in down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.

Q You hadn't mentioned it down there at all; you know where Rowe lived, didn't you? A Oh yes, I know where Rowe lived.

Q How close is it to now? A It is 20 or 25 miles.

Q Do you remember being down there in '86? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.

Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court Judges.

Q Delegate to Washington? A Yes, sir.

R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.

Q What is your age? A 34.

Q Where do you live? A Now, I live in Vinita.

Q How long have you lived there, a number of years? A 25 years.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Did you live in the Cherokee Nation before the war? A Yes, sir.

Q You lived in the Cherokee Nation after the war? A Yes, sir.

Q Where was the first place that you lived in the Cherokee Nation after the war? A On Hogue Creek.

Q What district is that in? A Delaware district.

Q Was there any hold that ran by your place at that time? A The old mill they used, we used to call it.

Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes, it must have been in the latter part of December following my return in the fall.

Q Where were you taken? A Jail prison.

Q What were you charged with? A Killing some negroes that was passing down the road there.

Q Well, had some negroes passed your place prior to that time? A Yes, prior to my arrest.

Q Did any of them get killed at your place? A Yes, there was I guess two. One was killed there. I heard there was three. I don't know.

Q Any others wounded? A There was one. I don't know, that is only from hearsay. I saw him when he was fired at, but I didn't see he was struck.

Q Did you see the shooting? A Yes, sir, the most of it, the first two or three shots I didn't see.

Q Several colored people along? A Yes, looked to me like there might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed that crowd? A Yes.

Q Well, who?

Mr. Mellette: Hold on, did he see who they was?

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to Tom Bean here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time. I don't know whether there was ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that, it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter. Two of these parties that came to my house —

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that?

A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lee Smith and a man named John Willis.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the creek.

Q You saw the killings, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1897, the best I can figure it out, as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles, a little more or a little less, I don't know just what we call it.

Q The military road runs right by it? A Not by the Thompson place.

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this man Tom Bean has ever talked to you about being shot at your place? A Well, I am not certain, but what I think might have been said, I don't remember, but he said something about being in that fight, or something about being

shot up there in '88, and that he was the fellow shot in that fight in '88, and probably I remarked that if he was shot in '88 he was a different man from the one shot in that fight.

Q That is your best judgment, it was Tebe Dean, the applicant?

A Yes, sir; I think that is the remark, I don't know, I only had a word or two at the time, I never knew since the trouble that he was one of them until that time, I know his name, but I didn't know him, I could have picked him out.

Mr. Hollette: Mr. Knight, did you say that you were arrested for killing the men that were killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The men I was accused of killing.

Q Yeah? A The only killing that ever happened there that I know of.

Q The did the warrant say you were charged with killing? A I don't know that it specified the names at all.

Q You would not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Timbered Hill? A Which Timbered Hill?

Q This one up here by Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored men up there?

A No, sir.

Q Isn't that the case you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do, did the officers read the warrant to you? A Well sir, I don't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on, and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

J. S. Trotter, being duly sworn by Commissioner Hoagles, testified as follows:

Mr. Hastings: What is your name? A J. S. Trotter.

Q What is your age? A 44.

Q What is your occupation? A Farmer.

Q Are you a citizen of the Cherokee Nation? A I am.

Q By blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation, before the war?

A Yes, sir.

Q Did you go out during the war? A I did.

Q When did you come back to the Cherokee Nation after the war?

A In the spring of '88.

Q Where did you live after coming? A On Russell Creek.

Q How far is that from Chatopa, Kansas? A About four miles.

Q What direction from Russell Creek? A We lived on Russell Creek.

Q Well, where did you move to that fall? A Moved to the mouth of Horse Creek.

Q Where were you living in '87? A On Horse Creek, right at the mouth of Horse Creek on Grand River.

Q Do you know the applicant, John Smith? A I have seen him, I don't know if I am acquainted with him.

Q Mr. Frost, any time after the war, did or did you not hear of the circumstance of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.

Q When did you hear of that? A It was in the fall of '87.

Q How far were you living from the Knight place at that time? A About four miles.

Q Mr. Hollister, how Mr. Frost, do you remember that he came back here in the spring of '88? A I think I do.

Q How in the world do you know it? A I was in the army and was mustered out in '85, in the fall, and the next summer we moved down here, the next spring.

Q Where did you come from? A Kansas.

Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.

Q Where did you stay? A In Woodson county.

Q Who did you live with up there? A My father and mother.

Q What time did you start back here in '88? A It was in the spring.

Q In the spring of '88, how did you come? A In wagons.

Q Traveled through the country? A Yes, sir.

Q Many people living in this country at that time? A I didn't see but very few after we got in the territory.

Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chatopa.

Q Which way did you come, come by Vinita? A We came on the Neosho River.

Q Did you come by Vinita? A No, sir.

Q How else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.

Q Then how did you come? A We went up by the creek after we struck the line, and stopped.

Q You stopped just inside the Cherokee Nation? A Yes, sir.

Q Up there on Russell Creek? A Yes, sir.

Q In the spring of '88? A Yes, sir.

Q What month? A I don't know exactly as I can see the month.

Q How long did you stop up there? A We stayed all the summer of '88.

Q What did you do in the fall? A In the fall we moved to Horse Creek.

Q What time in the fall? A Probably late in the fall, I don't know the exact date of it.

Q You say you heard of a fight in the fall of '87? A Yes, sir.

Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Grand River.

Q How many fights did you ever hear of about that time? A That is the only one.

Q You never heard of anybody being killed up there except that? A Not that year I don't think I did.

Q Now are you positive about that? A I think that is the only fight I heard of.

Q You just didn't hear of it, that is all, is it? A Well, I saw the groups in there but a short time afterwards hunting the Indians down.

Q Where were the groups then? A They were on Grand River.

Q Did they come through there? A Yes, sir.

Arkansas? A Yes, sir.

Q Federal troops? A Yes, sir.

Q Don't you know there were not any troops at Van Buren in '67?

A I don't know anything about it.

Q You say the troops all right, did you? A I did.

Q How many? A Seemed to me like about 20 or 25.

Q White or colored? A White men.

Q Who commanded them? A I don't know that.

Q Where did you see them? A I saw them at my house on Horse Creek.

Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.

Q When did you first hear about this fight, that it was in '67 that that fight occurred? When was that first called to your attention Mr. Trott? Since this Freedmen Court has been in operation?

A No, sir, I have heard of it all along.

Q I know, but have known a good many things that haven't been particularly called to your attention. When was it called to your attention after that fight occurred? A I have spoke about it a good many times. I don't know, I have heard it talked about ever since then.

Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.

Q That has been 30 years ago, or 15 years ago; what was there to keep it in your mind? A Well I knew that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept it in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.

Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.

Q What time? A I don't know the month, but it was way late in the fall.

Q Were you in the army? A I was.

Q In any fights? A Yes, sir.

Q Where? A Prairie Grove, Arkansas.

Q What was the only fight? A That is all.

Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1863.

Q '63? A Yes, sir.

Q You don't mean that? A Yes, sir, '63 I meant to say.

Q The winter of '63; was it before Christmas or after Christmas?

A I guess it must have been after Christmas.

Q Was that in '63 or '64? A '63.

Q What month in '63? A I don't recollect the month.

Q Was that in the first part of '63 or the last part of '63?

A I can't tell you exactly.

Q You can't put it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.

Q There is two places of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part.

Q You are satisfied of that? A I am not satisfied as it positively.

Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I don't know about that Horse Creek fight because I was living down.

Q You were in the Prairie Grove fight, and still you know more about the other one you was not in, isn't that true? A The other one I been with the army.

Q There has been about three years difference.

G. W. CLARKE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A G. W. Clarke.

Q What is your age? A My coming birthday, I will be 59.

Q A citizen of the Cherokee Nation by blood? A Yes, sir.

Q You lived in the Cherokee Nation before the war? A All my life.

Q You were in the army, were you? A I was in the northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson on the last of May, in 1865.

Q Where did you live the rest of the year of 1865? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Ellis McDaniel place on the east side of the river, it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed at Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q Where were you living when you heard of that incident?

A I was living in the Six Mile Bottom in the fall of 1867.

Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good man, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q Have a good many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road in the way I understood it.

Commissioner: You don't know anything about that fight or your own knowledge at all? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight anyhow? A No.

T. J. MONROE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A T. J. Monroe.

Q How old are you? A 46.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q You were born before the war? A Born in '32.

Q Where did you live before the war? A Lived on the line of the Osage and the western line of the Cherokee Nation, near the Osage lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A A place known as the Base place on the Grand River, east of Grand River, in Delaware district.

Q How far was that from Horse Creek? A It was ten or 12 miles.

Q Do you know whether the old Knight place was on Horse Creek?

A Yes, sir.

Q How far did you live from that? A It was about ten or 12 miles I think.

Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

Q Ketchum precinct? A It is about, I would think about 15 or 16 miles, 15 or 16.

Q When did you move to that place after the war, in what year?

A Sometime in February, 1868.

Q February of 1868? A Yes, sir.

Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A Yes, sir.

Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.

Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.

Mr. Hollette: Where were you living at that time? A That I heard of this fight.

Q Yes? A On the Stand Waite place, on the west side of the Grand River.

Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.

Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q Was it before Christmas or after Christmas? A I think it was after Christmas.

Q That is the time you went to stand? A Yes, sir.

Q Where did you move from? A From the west side of the river, from the Boser place.

Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.

Q What year did you move to the Boser place? A In '66.

Q What time in the year? A I think it was in February.

Q Where did you move from? A We came from the Cherokee Nation on Red River.

Q When did you come? A I stayed a while right on the line of Missouri.

Q When did you come from the Cherokee Nation? A We left the Cherokee Nation sometime in the latter part of October, I think.

Q What time? A '66.

Q You couldn't be mistaken? A No, sir.

Q Then there is such a thing as remembering dates, I suppose?

A I have something to remember by.

Q You didn't have to get back here by '66? A No, sir.

Q There isn't anything to impress it on your mind? A If you will

let me explain, we lived right on the same place with Joel Bryant, on the same farm. He was a Major General, or something, in the Confederate army. He came home during the summer, I think in June, and took his family and started to Old Mexico, and then we sold our crop in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '52, I am 15 I believe in '66.

Q About 15 years old? A About 15 in '66 I think, if I am not mistaken.

Q And still you remember all those events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall or 1866 and came up here and went on to the Bower place in February, 1867? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Stand White place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes; when did anybody ask you about when that occurred, since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes, I know it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 36 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told us about this fight, did you hear of this fight up here and a lot of them people getting killed? I remember it well, guessing about who done the killing, that didn't call any names, but referred to them as the "red face" fellows.

Q You remember 36 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have around? A I think about 15.

Q Can you remember every time a man has brought a horse to you since '67? A No sir, I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had stayed one year on the Bower place? A Yes, sir.

Q What did you learn there? A A little yoke cutting.

Q How long that position do you hold now, if any? A Don't know.

COMMISSIONER OF THE
DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

NOV 17 1901

For the purpose of the trial of the case of the State of New York vs. John D. Lee, et al., the following witnesses are called to the stand:

John D. Lee, D-215; Joseph Dean, D-215; Lucy Dean, D-215; and Paul A. Smith, D-207.

Prince of Wales, who has been, says that at St. Petersburg, the Commission to the first of the trial is correctly recorded, proceedings and testimony in the above case, and the foregoing is a full and complete statement of his stenographic notes thereof.

Prince of Wales

Subscribed and sworn to before me this 12th day of June, 1901.

[Signature]

Notary Public

Q You are a Justice of the Peace? A Yes, sir.
Q You have been Justice of the Peace? A Yes, sir.
Q Been Sheriff of your district? A Sheriff one time and assistant
two times.

Mr. Hastings: I desire to offer this testimony in the
Arthur Bean case, D-212; Joseph Bean, D-215; Lucy Bean, D-220;
Lewis Martin, D-223; and Pent & Night, D-207.

Bruce G. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this 22nd of August, 1901.



Commissioner.

Mellette & Smith attorneys for the applicant

W. V. Hastings, attorney for the Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T. June, 19th 1901.

In the matter of the application of Fred Martin for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows-

- Q What is your name? A. Fred Martin.
Q What is your age? A. 37, ne 38.
Q What is your post office address? A. Chelsoa.
Q In what district do you live? A. Seeweeecowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. No one.
Q Are you married? A. Yes sir.
Q Has your wife already been enrolled? A. Yes sir.
Q Have you ever applied to be enrolled as a freedman of any other tribe or nation? A. No sir.
Q Is your name on the roll of 1880? A. No sir.
Q Is it on any of the rolls? A. Yes sir the Kern Clifton and Wallace rolls.

Applicant not found on the 1880 and 1896 rolls.

The Kern Clifton roll examined and the applicant found as follows:
Page 180 No. 5921, Fred Martin, Seeweeecowee district

The Wallace roll examined and the applicant found as follows:
Page 131, No. 2745, Fred Martin, Seeweeecowee district.

- Q What is your fathers name? A. Lewis Martin.
Q Is he living? A. Yes sir.
Q What is your mothers name? A. Sarah.
Q Is she living? A. Yes sir.
Q Are you the son of the Lewis Martin who has already applied for enrollment? A. I guess so, Yes sir.
Q Are you a brother of Joshua Martin? A. Yes sir.
Q Where do you live? A. 3 miles north west of here.
Q How long have you lived where you do now? A. 12 or 13 years.

By Hastings:

- Q Where did you come from here? A. I dont know that.
Q Where did you come from 12 or 13 years ago? A. Vinita.
Q How long had you lived there? A. I dont know.
Q A year? A I dont know.
Q You were 13 years old then? A. I dont know that.
Q You dont know how long you lived at Vinita? A. No sir.
Q Where did you come from there? A. Dont have come from Kansas.
Q Were you born in Kansas? A. I dont know.
Q What have your parents told you about it? A. Nothing.
Q How old were you when you first came from Kansas? A. I dont know.
Q How many brothers or sisters have you older than you? A. Three brothers.
Q No sisters older? A. No sir.
Q You are the 4th child? A. No sir I am the 5th one, one is dead.

By Com'r Needles:-

Fred Martin applies for himself. He is not found on the 1880 unduplicated roll or the census roll of 1890 but is identified.

Fred Martin 2.

on the Kern Clifton and Wallace rolls; he swears that he is the son of Lewis Martin who has been listed for enrollment on B. card 2000, and the testimony in said case will be made a part hereof and a copy filed with this case. The said Fred Martin will be listed for enrollment as a Cherokee Freedman on a doubtful card and he will be notified of the final decision of the Commission by mail.

=====

Chas. von Voise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in this case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Voise

Subscribed and sworn to before me this the 23d of June 1901 at Navaho I. T.

[Signature]

Commissioner.

No. D 657

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

..... day of SEP 18 1901 1901.

W. L. Smith
Attorney for applicant.

UNITED STATES OF AMERICA, } s. s.
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

Notary Public.

Fried

SEP 18 1901

NOTICE!

IN THE MATTER OF the application of ~~..... Fred Martin~~
for enrollment as a Cherokee citizen:

Case No. D. 657

To ~~..... Fred Martin or Mellette & Smith his attys.~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 30 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L. B. Bell
M. M. Hastings
Attorneys for the Cherokee Nation.

File with Cherokee Freedman, D-657, Fred Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winnipeg, N.D., October 3, 1901.

In the matter of the application of Lewis Martin et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

LEWIS VANN, being duly sworn and examined by Commissioner
Breckinridge, testified as follows:

Q Give me your full name? A Lewis Vann.

Q How old are you? A I can't tell my age at all.

Q Well, are you 60 or 65 or 70? A Well I can just guess at it,
but then that would not be correct, but I think I am somewhere along
about '65 or '75, I don't know.

Q What is your postoffice? A Harding, Kansas.

Q What is your occupation? A Well, when I am home I am a farmer.

Q Where did you live before the war, Mr. Vann? A I lived right
on the Grand River close to Chouteau Station, raised there.

Q Did you know a colored man before the war, by the name of
Lewis Martin? A Well, I heard of his name but I knew his parents all
right, his father and mother, but then to say well acquainted with
him, I never got well acquainted with him till he came up here to
Kansas.

Q You don't mean here to visit? A No, sir, up in Kansas I am
acquainted with him.

Mr. Hastings: Well, what was his father's name? A His name was
Harry.

Q What was his mother's name? A Oelia.

Q Well that is the man I want to talk about; when did you know
him in Kansas? A Well now there is something that I don't know right
exactly, but I knowed him ever since I was here in Kansas, and I have
been up in Kansas ever since '62, and I knowed him from then.

Q Who was he living with when you knew him then? A Why he was liv-
ing with his father and mother I think, right then.

Q What was he doing? A Well now I can't tell you exactly what
he was doing right then, but he learned the blacksmith trade then
after that; I can't say right then, but he learned the trade of a
blacksmith.

Q What place in Kansas was that? A It was just right above,
about a mile from Mapleton I reckon, I don't suppose it would be any
farther than a mile from Mapleton.

Q About what time did he leave Mapleton; I mean with reference to
the war? A Now that is something I don't know.

Q Was it before or after the war closed? A I don't know when
he left there at all; he bought a place there right close, not very
far from Mapleton, and he raised one crop on it and he sold it out
and went up to Ottawa.

Q Ottawa, Kansas? A Yes, sir.

Q Did he marry around Mapleton? A Yes, sir, he married right
there not far from Mapleton, I knew the folks, the woman's father
and mother, well the mother anyhow, I knew her well after he married
her daughter.

Q Well, did you ever see him up at Ottawa after that? A I saw
him there once after that.

Q Well about how long after that? A Now sir that I can't tell

how long it was that I saw him there.

Q Was your son married? A My son was married then.

Q Where was he living? A He was living with me when he got married, and then he moves up to Ottawa, and he wasn't there very long before his woman took sick and wrote for his mother to come and she went and she didn't come back quick as I thought she ought to come back and I goes after her, and I went up there and I goes over to his house.

Q Goes to his house? A Goes to Mr. Martin's house.

Q Well, Martin living there? A Yes, sir, he was living there.

Q Did he have his family there? A Yes, sir.

Q You know what he was going up there at Ottawa? A Well, he was a farmer there, renting.

Q Well, now how old is your son's oldest child? A Well now sir that is something I can't tell you.

Q Well about how old is it? A That is something I don't know the age of nobody, I can kinder guess as his age, he was born 2 years after I come to Kansas, my boy.

Q I am not talking about your boy, I am talking about his child?

A Well I can't tell nothing about his child's age at all.

Q His boy grown? A He isn't grown, but then he is a good size boy, I aint seen him since he was just about so high (indicating) and came off here to the Nation.

Q You don't have no idea when the child was born; as much as 15 years old? A Well, he may be somewhere along 15 or 14, but I can't tell exactly, but he is a good sized boy, I reckon he is pretty near large as me now.

Q Now what is your best judgment as to the age of that child; have you got any judgment at all? A I have judgment, but I can't tell how old he was.

Q I am not asking you the date; that is your best judgment as to his age? A If I knew how old it was when I went up after my wife I could tell pretty near the child's age, but I can't.

Q Well, about how long do you think that man had been away from Mapleton, up to Ottawa, when you went up there; had it been a few days or a few months, or how long? A Well, it has been more than a few days, because he had raised one or two crops up there, and maybe more for all I know, I don't know at all, you have got me to something I don't know, but I know he lived there, that is all I can tell you.

Q And you know he was living there when you went up there? A Yes, sir, because I went to his house.

Q And that was after he was living down at Mapleton? A Yes, sir.

Q Did you ever see him back down to Mapleton after that? A No, sir, I don't recollect seeing him back there anymore at all, he might have come back on a visit, but that I don't know, but when I saw him again I saw him here.

Q When was that? A Well, it was the year that Mr. Wallace's roll was made.

Q Where did you see him? A I saw him out in the country here to a place where he farmed.

Q You know how long he had been here then? A I just know he had been here, made one crop I think.

Q Well, did he tell you that or not? A Well he took me right down and showed me his crop he made.

Q Did he say how long he had been here and where he came from?

A He said he had come from up there here.

Q Did he say when he had come from Ottawa or how long he had been from Ottawa here? A He didn't say how long he had been, but he had just made one crop when he came here.

Q How do you know he made one crop? A I don't know; he said so

and showed me his crop.

Q Now do you know he just made the one, is what I am trying to get at, and not made any more than one? A I don't know that, only he said his stepson made one crop while he was home where he lived, he said his stepson, he sent him down here to make a crop and then he came, he said his stepson made a crop here and then he came and made one, that is what he told me, that is all I know.

Q That was while the Wallace Court was here? A Yes, sir, first time I saw him I came down to the Wallace court.

Q Have you any idea when Wallace made that roll, do you know anything about that year? A No, sir, I don't.

Q Don't have no idea about it at all? A No, sir, don't know a thing about it only he made that roll.

Q You know he made it? A Yes, sir, because I came and signed that roll.

Q Where were you living at the time? A I was living up there on Timber Hill, Bourbon County.

Q Kansas? A Yes, sir.

Q Near Mapleton? A Yes, sir; I know where I was living all right.

Mr. Smith: Now Lewis, all you know about it is that you know that at one time Lewis Martin lived up there in Kansas? A Yes.

Q You don't know the year? A No, sir, I don't know the year at all.

Q When did you first go to Kansas? A '66.

Q Where did you go from? A Went from the Cherokee Nation; went from down here at Chouteau Station.

Q There wasn't any Chouteau Station then in '66? A No, sir, it has been put there since; I lived there, I was raised there.

Q Do you know where Lewis Martin was in the year 1866? A No, sir, I don't know the meaning of that '66 any more as a sucking baby, I don't know the meaning of '66; when that man told me that I came here in '68, that is how come I say I come here in '62, he said I come here in '62 because I came here a soldier.

Q Where were you living in 1862? A Well I give it, went up to Kansas, in that time, and lived up there close to Mapleton in '68 when this man said I came out in '62, I don't know when I came, he said it was '62 because he was down there.

Q Now do you know when Lewis Martin got married? A I know he got married up there but I can't tell when.

Q Do you know whether it was before the war or after the war or during the war? A He got married, might have been about the time the war came on or maybe after, I don't know now.

Q Well, do you know where Lewis Martin was when the war closed?

A Well, when the war closed, he must have been living right there close to Mapleton.

A Not what he must have been, but what you know about it, what you saw and know yourself; do you know where he was when the war closed?

A I didn't say I know that at all, but I know he was living there when I came, when I was living there he was living there too, it must have been while the war was going on that he lived there, but after that I know he lived there and went up to Ottawa you know.

Q Do you know where he was in the fall of '68? A No, sir, it isn't any more use for you to ask me about '66, not bit more than a baby, because I don't know.

Q Do you know where he was during the year after the war closed?

A I can't tell you that neither.

Q Don't know? A No, sir.

Q You know anything about as to whether he got into a fight or killing scrape down here in the Cherokee Nation shortly after the war?

A I never heard of him getting into any fight or killing.

Q You were not in it? A No, sir.

Q When did you come down here at the Wallace Court, where was

Lewis Martin living in the Cherokee Nation, near what place? A Why I don't think it was more than a mile, maybe, or maybe more than a mile right out east this way, from Vinita.

Q A mile from Vinita? A I don't think it was over a mile, it might have been and might not, but it wasn't very far.

Q Did you go out to his place? A Yes, sir, I went out to his place.

Q How did you go, ride or walk? A I think I went in his wagon I think, I don't know for certain how I went but I went there all right, went right to his house.

Q You don't know how many different places Lewis Martin has lived in the Cherokee Nation, do you? A Well, I don't know of him living at but that one here and then when he left here he went out and bought a place, I understand, went out and bought a place.

Q You don't know anything about where he is living now? A No, sir.

F. D. MYRICK, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, please? A F. D. Myrick.

Q How old are you? A I am 54 years old.

Q What is your postoffice? A Mapleton.

Q Kansas? A Yes, sir.

Q You live in Kansas? A Yes, sir.

Q What is your business? A Farming, stock raising.

Mr. Hastings: Mr. Myrick, do you know a colored man by the name of Lewis Martin? A Yes, if he is the man we located, I once knew a man by the name of Lewis Martin.

Q Did you know his father? A Yes, sir.

Q What was his name? A Harry.

Q Where did you know him? A I knew him there about Mapleton on my place.

Q Were you intimately acquainted with him, know him well? A I ought to.

Q Just tell the circumstances, all you know about him? A Yes, sir, I was intimately acquainted with him.

Q Did he work for you? A Yes, sir.

Q Now about what length of time did he work for you? A Well I think it was about a couple of years.

Q Through what period of years? A About '83 and '84.

Q What did he work for you at? A Blacksmithing.

Q He learned the blacksmith trade there? A Yes, sir, he learned that while he was quite young, he was the youngest of the family, and his oldest brother, Bill, was a blacksmith, and I was running a shop there and they were doing the work for me.

Q Do you know where Lewis was married? A Well, I wouldn't say that I do, he married there but it is kind of a dream, I am not positive; of course if you were acquainted with his wife but it has been so long and not paying any attention, I would not be positive that I know.

Q Do you know where he went from Mapleton? A To say I know, I don't, but the report was that he went to Ottawa, and he told me afterwards he lived at Ottawa, that is as near as I can explain it to you.

Q About how long afterwards did you see him? A Well, it must have been five or six years afterwards that I saw him.

Q How do you know that that was five or six years? A After he left Mapleton.

Q Now about when do you think he left there, about what years?

A Well I can't tell what year he did leave there.

Q Well, with reference to the close of the war? A Well, it must have been a couple of years after the close of the war that he went to Ottawa; he and his father stayed there anyhow as long as two years after the close of the war before he went to Ottawa.

Q And then you saw him five or six years after that after he went to Ottawa? A Yes, sir.

Q And he told you he was living there at that time? A At Ottawa.

Q Did you ever see him after that? A No, sir, not as I know of.

Q You live at Mapleton? A Yes, sir.

Q How was your home from Mapleton any time, say between '72 and '77? A Yes, sir.

Q Where were you? A I was in the Rocky Mountains.

Q Do you remember Lewis' mother? A Lewis' mother, Gella.

Q That is what I want to know, to identify him? A Yes, sir, I was well acquainted with him for a number of years.

Q Where did you see him the first or six years after he left Mapleton that you speak of? A I saw him between my house and Mapleton and just met him on the road and merely addressed him and asked him some few questions. I didn't know what, in regard to where he was; he was kind of a stranger then you know; he told me he was living at Ottawa.

Q Did he tell you what he was doing? A I don't know, I think that he was running a blacksmith shop.

Q You are not positive about that? A No, I wouldn't be positive.

Q Did you ever see him after that? A No, sir, I never saw him after that.

Q You say that during the last years of the war he worked for you in a shop? A Yes, sir.

Q What were you doing, Mr. Syrick, during the closing years of the war? A Why I was running a mill there and was making shoes for the government. I sold shoes to the government mostly, and I run a blacksmith shop in connection with my business there, and I had these fellows employed for the purpose of shoeing horses and doing all kind of blacksmithing, we lived right on the trail from Fort Gibson to Leander.

Q And this mother was Lewis Martin's brother and lived with him? A Yes, sir.

Q What was his mother's wife named? A Mother.

Q Mr. Syrick, I believe you stated he was in '63 or '64 that this man was working for you? A Yes, along about that time.

Q Well, where was he in '63? A I wouldn't be positive where he was, to the best of my knowledge he was around Mapleton there or had gone to Ottawa, I wouldn't be positive.

Q Will you do it? And when was he in '63? A No, I can't say where he was in '63.

Q Where was he in '63? A I don't know, sir.

Q You know what year it was that he went to Ottawa? A No, sir, I don't, to say know the year that he went to Ottawa, I don't.

Q About what year was it that you last saw Lewis Martin? A That I saw him last, last saw him.

Q Last saw him at all? A After I saw him coming from Ottawa, or it must have been five or six years afterwards.

Q Five or six years after the close of the war? A Yes, sir, must have been five or six years after the war.

Q And haven't seen him in that country since? A No, sir.

SWORN AND SUBSCRIBED before me, being duly sworn by Commissioner Needles, testified as follows:

My name is _____ what is your name? A _____

Q How old are you? A I am going on 31.

Q Where do you live? A Ottawa.

Q How long? A Yes, sir.

Q How long have you been living at Ottawa, Kansas? A Yes, then

in _____ of the name of Lewis Martin? A Yes, sir.

Q When did you first become acquainted with him, first see him there? A In '87.

Q What time did you go to Ottawa in '87? A Went there in March.

Q How soon after you went there was it before you saw Lewis Martin?

A April or May, I am not certain which one it was, being in April or May.

Q A short time after you went there? A Yes, sir.

Q Mr. Smith, do you know his wife? A Yes, sir.

Q What was her name? A Sarah.

Q Do you know any of his children? A Well, yes.

Q You remember any of their names? A Yes, sir.

Q What was their names? A One was named John, and George.

Q What was Martin doing when you knew him in Ottawa? A Blacksmithing.

Q How long did you know him there? A I knew him four or five years there, maybe longer, I don't know exactly the time that I did know him, I can't just swear to the time, but it was five or six years I was acquainted with him there.

Q Do you know where he went when he left there? A No, sir, I don't.

Q You say he was a blacksmith? A Yes, sir.

Q Did he have a brother, or do you know? A No, he didn't have any brother there.

Q Did he have a father, or do you know that? A I don't know that, I wasn't acquainted with his father.

Q Were you acquainted with his mother? A No, sir, never seen her.

Q You know where he went from there? A No, I can't say where he went, I know where he said he was going.

Q Did you ever see him after that? A No, I haven't seen him since, I haven't seen him for quite a number of years.

Q Now during the four or five or six years that you saw him at Ottawa, was he there continuously during that time? A No, he was away some of the time.

Q Where was his family? A His family was out on a farm.

Q Did they live there during that time? A Yes, they lived out on the farm.

Q Well, did you see him at frequent intervals during that period of time? A Well yes, sometimes I would see him every three or four weeks, sometimes it would be longer, but then I often would see him. You know Martin was a man that didn't run around very much, anyhow.

Q You say he didn't run around? A No, sir.

Q That did you mean by saying he was away some? A There would be times that he would be gone, I don't know where he was gone.

Q For about how long at a time, how long would you miss him, any considerable time? A Sometimes I wouldn't see him for a month or so, he was out in the country, out on his farm.

Q Out of town? A Yes, out of town, I wouldn't know where he was.

Mr. Smith: Well, you don't know of your own knowledge? A No, sir.

Q Only you didn't see him? A No, I wouldn't know where he was only I didn't see him.

Q How far did he live in the country from Ottawa? A Part of the time it was ten miles.

Q That was along from '87 up for four or five years after '87?

A Yes, it was after '87.

Q From that date to this you have never seen him? A No, sir, I have never seen him.

Commissioner: Now did you first see this man in '87? A Yes, sir.

Q Where did you live in '87? A I lived at Ohio City.

Q That was south of Ottawa.

A State of Kansas? A Yes, sir.

Q You know where Martin was in '87? A No, I don't know where he was in '87.

Q That would be to your mind that it was in '87 that you saw him?

Commissioner: Now, I believe it was in '87 that you saw him.

Q Yes, sir, and there is where I saw him.

Q You recollect dates do you? A Yes, I recollect dates, yes.

Q What year is this? A It is 1900.

Mr. Hastings: Is this the year 1900? A Yes, sir.

Q Even? A Well, it is nineteen hundred, I don't know whether you call it even or not; you know I am no educated man.

Commissioner: Where were you living in 1886? A Ottawa.

Q You been living there ever since '67? A Yes, sir.

Q Living there now? A When I am at home that is right where I live.

Q Your family there? A My family is all dead; well I have no family of my own now.

Mr. Hastings: Do you know what year the war commenced? A Yes, sir.

Q What year? A 1861.

Q What year did it close? A 1865.

Q How long after the war closed before you went to Ottawa?

A Why I went to Ottawa in 1867.

Q I want to know how long that was after the war closed? A After it closed, why two years.

D. J. HESSONG, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A D. J. Hessong.

Q What is your age? A I am 51 years old.

Q What is your postoffice? A Mapleton.

Q Kansas? A Mapleton, Kansas, yes, sir.

Q How long have you lived there, Mr. Hessong? A I have lived there since '57, have lived there about 44 years.

Q Do you know a colored man by the name of Lewis Martin? A I did.

Q Where did you know him? A In Mapleton, Kansas.

Q What occupation, if any, was he following? A He was running a blacksmith shop when I knew him.

Q Do you know where he came from up to Mapleton? A I do not.

Q You never heard him say? A Never heard him say.

Q You don't know where he had lived before he came there? A I think he came from Ottawa, because I know he went back up there a time or two during the time that he was at Mapleton, and he said he was going on a visit.

Q Do you know about what year he came there to Mapleton? A It must have been about '76, something like that, along there.

Q About how long did he stay there? A Well, when he came back there I am pretty certain it was in '76 and in '77 I went west and when I came back I don't remember whether he was there then or not, but I know he was there a couple of years, if I remember right, two or three years, something like that, I don't remember whether he was there when I came back or not.

Q When did you come back? A I came back that fall and winter, winter of '77.

Q Did you know Martin's wife? A Yes, sir.

Q What was her name? A I believe that they called her Sarah, or something like that; there was two women stayed with him part of the time he was in Mapleton.

Q Did you know his brother? A Will?

Q That is what I am trying to find out? A Yes, I think there was another Martin named Will Martin, said they were brothers.

Q What was Will Martin's profession? A Blacksmithing.

Q Did you meet Lewis Martin's father and mother? A Don't believe I did, no.

Q Did you ever know Lewis Martin before you knew him when he came there in '76? A No, sir.

Q Well, was his family with him when you knew him there in '76?

A Yes, sir, she lived right in town.

Q He worked in a blacksmith shop? A Yes, sir, him and his brother.

run a shop there in town.

Q You haven't seen him since? A I have not.

Mr. Smith: Mr. Hession, you don't know where he came from when he came to Mapleton that time? A No, sir.

Q You don't know where he had been living before he came there?

A No, sir.

JOHN GROSS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John Cross.

Q What is your age, Mr. Cross? A 63.

Q Where do you live? A Mapleton.

Q Kansas? A Bourbon County, yes, sir.

Q How long have you lived there? A I lived there since '62.

Q Did you ever know a colored man by the name of Lewis Martin?

A Yes.

Q What was his occupation, what did he do? A He was a blacksmith.

Q When did you know him? A Well I know him in about, let's see, must have been '75 or '76, right along there sometime; of course I knew him before that but I wasn't acquainted with him, I knew of him.

Q You knew him before that? A Yes, but I wasn't acquainted with him at all.

Q When did you know him before that? A Well, when they first came, I don't know, probably it was along '62 or near that time there.

Q Did you know his father? A Yes, sir.

Q What was his name? A Well I don't know his name, don't recollect, he was a very old man, his father was.

Q You don't know his mother's name? A I did, but I don't remember it now; Gelia; no, it wasn't Gelia, I don't recollect it.

Q Well, did you know his brother? A William?

Q I am asking you? A Yes, I knew him better than I did Lewis.

Q Well, do you know how long you knew him after '62, or is your memory distinct about that? A No, you see he left there and he came back, I think it must have been '64 or '5 or '6, along sometime, and then he came back there and him and his brother run a blacksmith shop for probably a couple of years.

Q You know what became of him then? A No, I do not, in the spring of '77 I went to Colorado and I didn't get back till that fall, and he was gone.

Q Now when do you mean to say that he came back to Mapleton the last time? A Well, it must have been in '73 or '6.

Q Did he have a wife? A Yes.

Q Living with her? A Yes, sir.

Q You know whether he had any other family or not? A No, I do not.

Q Well, have you ever seen him since? A No, sir, I haven't seen him since.

Mr. Smith: So, Mr. Cross, as I understand you, you knew this man then about '62? A Why that is what they first came there, I think about that, but still I wasn't

Q Do you know whether he married there at Mapleton? A No, I do not, I don't know a thing about it.

Q Do you know whether he was a single man or a married man when you first became acquainted with him? A I think he was a single man when he came there.

Q Do you remember was he married in a couple of years after he came there or not? A He was married when he run a shop there, he was married and had a family.

Q That was when? A In '75 or '6.

Q But do you have any recollection as to whether he was married before the war closed? A No, I do not.

Q Well, now you missed him from there along about the time the war closed, did you? A Yes.

Q Now when did you first see him back there after the time that you

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missed him? A I don't recollect of seeing him till he came there and went to work in the blacksmith shop.

Q Now about what year was it that you missed him away from there?

A Well I don't recollect, I didn't pay no attention to it at all.

Q About the time the war closed? A Why I suppose, yes.

Mr. Hastings: Do you have any distinct recollection about the first time you missed him from there? A No, I do not.

Q You wasn't well acquainted with him then? A No, I wasn't well acquainted with him.

LEWIS VANN, recalled by applicant, testified as follows:

Mr. Smith: You were on the stand this morning in this case, were you Mr. Vann? A Yes, sir.

Q Now then, did I understand you to say that you never heard of that fight that I asked you about this morning in 1866 in the Cherokee Nation, the Horse Creek fight? A No, sir, I don't know nothing about that.

Q Didn't you have a kinsman that was killed down there about that time, somebody that was kin to you? A Oh, I know that all right.

Q Who was that? A Wesley Vann.

Q Well, when was he killed? A He was killed the year after the war closed, he went down there and got killed and that kept the balance of us from coming.

Q Were you along? A No, sir, I wasn't, but then I was going after he got there and wrote back, but then he got killed.

Q Wasn't Lewis Martin with him? A I don't know sir, that is something I don't know.

Q Who was he with, who did this man leave with, this kinsman? A He left with another brother in law or mine.

Q What was his name? A Charley Burgess.

Q Who else? A Charley Burgess and Wesley Vann, they was only ones kin to me.

Q Who else that wasn't kin to you? A Then there was some there by the name of Gilbert Vann and Gilbert Daniels.

Q Who else? A Well, there was a young man along by the name of - I can't think of his name now, he got killed too, one of my fellow servants' sons, lived on the place with me, he got killed.

Q Was George Vann along? A No, sir, he wasn't along.

Q He wasn't there at all? A No, sir.

Q Where were you when these people left Kansas to come down here?

Q When they left why I was up here in Kansas, up in Kansas, up to Mapleton, in Bourbon county.

Q Did you stay there all the time? A Yes, sir, I hadn't been five miles from that place since I landed there, I reckon more than five miles anyhow.

Q Did you stay there during the time that these people came down here that you speak of? A Yes, sir.

Q Now don't you know Lewis Martin came down here, moved back here?

A Of course he came down here.

Q When? A Well now that is something I can't tell you when, but I know he come.

Q Did he come at that time you are talking about? A Oh no, he was up there but he didn't come when the others came, because I know he was up there.

Q Didn't he come down here with Wesley Vann, didn't they leave together to come down here? A I don't know whether he came with Wesley Vann or not, I don't know anything about that.

Q You don't? A No, sir, I don't think he ever was with them.

Q Why did you say this morning that you never heard of that fight at all? A That fight you are talking about, I didn't understand that fight, but now since I understand about the killing of my brother in law I know all about that.

Q You do? A Yes, sir, they killed him sure.

Q Did anybody that left up there come back, any of the colored people? A Now sir that is something I don't know either because I know all the balance that was with them, they went on after they got killed, they went on.

Q Did any of those that left Kansas at that time come back to Kansas? A I can't tell you not a thing about that, sir, no, sir, I can't.

Mr. Hastings: You were not in the fight? A No, sir, I was at home in Kansas and just heard about it.

Q All you know about it is just what you heard? A Yes, sir, about they killing him down there and him never coming back.

Q I believe you testified most positively you didn't know a thing about dates this morning, didn't you? A Well, I don't,

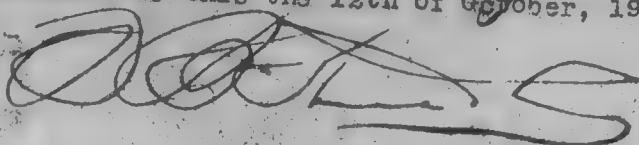
Q You didn't know a date this morning? A I don't know no dates about nothing about that, but when anybody asks me about the name of anyone that I know of course I know them, but then to come to dates I don't know no more than a child.

Commissioner: Copies of this testimony will be filed with the testimony in Cherokee Freedman cases D-956, D-957, D-658, D-911, and D-940.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 12th of October, 1901.



Commissioner.

File with Cherokee Freedman B-557, Fred Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wimba, I.T., October 11, 1901.

In the matter of the application of Tobias Bean for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:

Mellotte & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.

Mr. Mellotte: I am going to offer some additional testimony.

Mr. Hastings: That fort.

Mr. Mellotte: To show the date of what is known as the Horse Creek fight, out here.

Mr. Hastings: Comes now the representative of the Cherokee Nation as object to the making of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone through out in the original examination of the applicant himself, and was thoroughly gone into, and is not now matter, and the testimony then introduced by the Cherokee Nation upon this point is not now matter so that rebuttal testimony can be allowed under any rules of procedure, Commissioner. The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellotte: What is your name? A. Mary Brown.

Q. How old are you, Mrs. Brown? A. I don't know my age exactly.

Q. Give an idea? A. About 30.

Q. Are you a Cherokee Indian by blood? A. Yes, sir.

Q. Recognized citizen of the Cherokee Nation? A. Yes, sir, I am.

Q. Where do you live? A. I live at what is known as the Bowling Perry Place on Grand River.

Q. How long have you lived on Grand River? A. About 17 years, down there.

Q. When did you return to the Cherokee Nation after the war, if you left it? A. We came here about three weeks before Christmas, in '85.

Q. Where was your home at that time? A. About one mile and a half north of Prairie City, that is the name of the place now.

Q. Is that a point up here close to Fairland? A. Yes, used to be just a depot up above Fairland near the road.

Q. Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed on Horse Creek? A. I do.

Q. How did you first learn of that? A. There was some men came to my house to stay all night.

Q. Who were they? A. Kinck West and a band of men.

Q. Did you learn from them anything about the colored people being killed? A. Yes, sir, they told us they had killed some negroes.

Q. How many were in that party? A. I can't tell you positive.

Q. About how many, or can you give an idea? A. About six, to the best of my knowledge, I never took any particular notice how many.

Q. Did you hear anything further about it after they came to your house? A. Yes, sir, two or three days afterwards we heard some colored people got killed.

Q. Where was that? A. Somewhere on the military road near Horse

Greek.

Q How far was that from your house? A About six miles.

Q Now when was that, Mrs. Brown, that Kinch lost and his crowd came to your house and you heard of this killing of the colored people? A Fall of '88, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you fix it as 1888? A Well, I came home as I saw in '88, about three weeks before Christmas, and I was in a delicate condition and the baby was born the sixth day of May, in 1888, and this was the first following.

Mr. Hastings: Did you ever have any other children born? A Yes, sir.

Q When? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the next one born? A In 1870.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you that.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q Now do you know what happens in September always after your children have been born? A No, sir.

Q Not why is it that you think that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but me and then a neighbor.

Q What were you married? A I can't tell you that.

Q You heard of this question being up before the courts five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the courts.

Q Where do you live now? A I live at the Newing Ferry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '88.

Q When was the third one born? A The third one was born May 26, of what year? A In 1888.

Q When was the next one born? A I don't know that.

Q Now when was the sixth one born? A He was born in 1870.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the ninth one? A Well, I don't know that.

Q Tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelfth one? A I don't know, I can't count them, all of them.

Q Don't know? A No, sir, I am an abolition.

Q There was got to be thirteen children, was there? A Yes, sir, I told you just exactly.

Q How far did you live from there? A I believe I lived on the old military crossing on Newing Creek, I can't tell you that.

Q Well, how far did you live from there, was there that bridge over Newing Creek? A About 12 or 13 miles.

Q And that was the place where the child was born? A Yes, sir, that was the place.

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Q Had you ever seen Bob Knight up to that time? A No, sir.
Q You wasn't even there at that time, the Knight place? A I had passed the road.
Q You saw these folks there? A No, sir.
Q You didn't see them? A No, sir, I can't call it.
Q You never saw any of these junkies at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was at? A Never was right at the place.
Q Was it over at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Ben Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 23rd, 1901.

In the matter of the application of Lewis Martin et al., C. F. D. 289

SUPPLEMENTAL TESTIMONY.

Appearances:

James S. Davenport for Cherokee Nation
Mellietts & Smith for applicant.

H. C. HANFORD, being first duly sworn by Com'r T. B. Needler, testified as follows for the Cherokee Nation:

(By Davenport)

Q What is your name? A H. C. Hanford.

Q How old are you? A 44.

Q What is your post office address? A Ottawa, Kansas, Franklin County

Q How long have you lived there? A Since June, '65—1865.

Q Since you have been living at Ottawa Kansas, did you become acquainted with a colored family named Martin? A Yes sir.

Q Do you know what any of their first names were? A I was acquainted with a man named Lou Martin.

Q What was his wife's name? A Sarah.

Q Did they have any children? A Yes sir, four boys, Will, George, John and Fred.

Q When did you first become acquainted with Lou Martin? A In '63 or '70.

Q Where were they living when you first became acquainted with them?

A They lived in the same block I did in Ottawa, on Poplar Street.

Q How long did they live there after you became acquainted with them?

A About four years.

(By Smith)

Q What was the oldest one of his boys? A Will.

Q Which is the next oldest? A John.

Q Which was the youngest? A Fred.

Q What did the old man do there? A He was a blacksmith.

Q Do you know that that is the same man that is applying for enrollment in this case? A I know that Lou Martin has applied.

Q How do you know? A From what I heard.

Q Are you swearing from what you heard or from what you know? A I have heard that he has applied.

Q I ask you if you are swearing from what you know or from what you have heard? A I don't know that he has applied, positively, I just heard he had.

Q Then you don't know positively that the man you are swearing about is the man that has applied or not? A No sir, I don't.

Q You didn't know him until '68 or '70? A No sir.

Q Where did he come from to Kansas? A He came from Napoleon to Ottawa.

Q Where did you come from to Ottawa? A I came from Brown County, Indiana.

Q Did you ever live in Napoleon Kansas? A No sir.

Q Was Ottawa the first place you ever lived in Kansas? A Yes sir.

Q Have you never been away since you came there? A Only for two or three months at a time.

Q You have never seen Lou Martin since '70? Not since he left there.

Q When was that? A '76 or '77.

Q How long did you say he lived there? A I was acquainted with him four, five or six years.

Q Was he there when you got there? A No sir, three or four years

after I got there he came there, three four or five years after.

Q Which was it, three or four? A I don't keep my dates so I can't say, but it was four or five years after he came there.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October, 23rd, 1901.

In the matter of the application of Lewis Martin et al., C. F. D. 269

SUPPLEMENTAL TESTIMONY.

Appearances:

James S. Davenport for Cherokee Nation
Mollette & Smith for applicant.

R. C. HARTFORD, being first duly sworn by Conr T. B. Needles, testified as follows for the Cherokee Nation:

(By Davenport)

Q What is your name? A R. C. Hartford.

Q How old are you? A 44.

Q What is your post office address? A Ottawa, Kansas, Franklin County

Q How long have you lived there? A Since June, '65—1865.

Q Since you have been living at Ottawa Kansas, did you become acquainted with a colored family named Martin? A Yes sir.

Q Do you know what any of their first names were? A I was acquainted with a man named Lou Martin.

Q What was his wife's name? A Sarah.

Q Did they have any children? A Yes sir, four boys, Will, George, John and Fred.

Q When did you first become acquainted with Lou Martin? A In '63 or '70.

Q Where were they living when you first became acquainted with them? A They lived in the same block I did in Ottawa, on Poplar Street.

Q How long did they live there after you became acquainted with them? A About four years.

(By Smith)

Q What was the oldest one of his boys? A Will.

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Q Do you know that that is the same man that is applying for enrollment in this case? A I know that Lou Martin has applied.

Q How do you know? A From what I heard.

Q Are you swearing from what you heard or from what you know? A I have heard that he has applied.

Q I ask you if you are swearing from what you know or from what you have heard? A I don't know that he has applied, positively, I just heard he had.

Q Then you don't know positively that the man you are swearing about is the man that has applied or not? A No sir, I don't.

Q You didn't know him until '68 or '70? A No sir.

Q Where did he come from to Kansas? A He came from Mapleton to Ottawa.

Q Where did you come from to Ottawa? A I came from Brown County, Indiana.

Q Did you ever live in Mapleton, Kansas? A No sir.

Q Was Ottawa the first place you ever lived in Kansas? A Yes sir.

Q Have you never been away since you came there? A Only for two or three months at a time.

Q You have never seen Lou Martin since '70? Not since he left there.

Q What was that? A '78 or '80.

Q How long did you say he lived there? A I was acquainted with him four, five or six years.

Q Was he there when you got there? A No sir, three or four years after I got there he came there.

Q Which was it, three or four? A I don't keep any dates as to when he came, but it was about 1865 or 1866.

Q How long did he stay there? A I don't know how long he stayed there when he came, but it was about 1865 or 1866.

come; I landed there in 185.

This will be filed in Cherokee Freedmen, Nos. J-283; D-656; D-657;
D-940 and

Chas. von Velsa, being first duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all the proceedings in the above cause and that the foregoing is a
full, true and correct transcript of his stenographic notes of the same.

Subscribed and sworn to before me this 24th day of October, 1901.

COMMISSIONER OF THE FIVE CIVILIZED TRIBES
DEPT. OF THE INTERIOR

1901
J E

WILLIAM H. HARRIS

Chas. von Velsa

24th of October, 1901.

Commissioner

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and sworn before me this 27th day of October, 1901.

C. R. Hickman

NOTARY PUBLIC

CONFIDENTIAL

File with Cherokee Freedmen

3-057, Fred Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winn, I.T., October 27, 1901.

In the matter of the application of Tobias Jones et al. for enrollment as Cherokee Freedmen.

Subscribed and sworn to before me, Clerk of said Commission.

Witness my hand and seal of said Commission,
at W. V. Nashville, of Indian Territory, this 27th day of October, 1901.

I, E. L. Jones, being duly sworn by Commissioner Frederick L. Jones, testified as follows:

Q. State your name? A. E. L. Jones.

Q. What is your position? A. Commissioner.

Q. How long have you lived in the Cherokee Nation? A. I

have lived here all my life.

Q. Are you a Cherokee Indian by blood? A. Yes, sir.

Q. Were you part of the nation during the war? A. No, sir.

Q. Where were you, Mr. Jones, in the year 1863? A. I was at my father's place.

Q. Where did your father live at that time? A. I lived in Dallas district, Cherokee Nation.

Q. Did you know a colored man named George W. Vann? A. Yes, I know George.

Q. What George is it you know? A. I know George Vann, living on

Spring Creek, George, a colored man, living on Spring Creek, George, a colored man, living on Spring Creek, George.

Q. Did you know Mr. Jones, then a colored man, on Horse Creek, during the war? A. Yes, I know him. There was a fight

between the best of my recollection, it was in 1863, fall of '63.

Q. Were you present about the time when he was killed? A. Yes, I was. I saw him killed. I

was the best of my recollection.

Q. What knowledge have you that he was killed? A. What knowledge have

I? A. Yes, I saw the dead men afterwards.

Q. Did you know whether they were killed or not? A. Yes, they were

killed. I saw them killed. I saw them killed. I saw them killed. I saw them killed.

Q. Did you know the name of the man who killed him? A. I don't recall the name.

Q. Did you know the name of the man who killed him? A. I don't recall the name.

Q. Did you know the name of the man who killed him? A. I don't recall the name.

Q. Did you know the name of the man who killed him? A. I don't recall the name.

Q. Did you know the name of the man who killed him? A. I don't recall the name.

To be filed with C. F. 3-257.

C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter
of the application of Tobias Bean for the enrollment of himself,
wife and child as Cherokee citizens.

APPEARANCES:

Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys
for the applicants;
W. W. Hastings, of attorneys for the Cherokee Nation.

C.D. MARKHAM, being first duly sworn, and being examined tes-
tified as follows:

BY MR. MELLETTE:

Q What is your name? A C. D. Markham.

Q Where do you live? A At Tahlequah, now.

Q How long have you lived in the Cherokee Nation? A All my life
except during the war; I went south on Red River.

Q Are you a Cherokee citizen by blood? A Yes, sir.

Q Where were you in the fall of '66? A I was up here at Grand
River, Locust Grove.

Q What were you doing? A Selling goods.

Q Who were you selling goods for? A Why I and my brother and an
old man named Elliott from Kansas were interested in the store.

Q During that summer or fall did you learn anything about a
fight up on Horse Creek? A Yes, sir, sometime to the best of my
recollection about the last of September in 1866. That was when a
young darkey came into the store and wanted to get something out of
the store and said they had a fight up at Horse Creek, and there
was a shot darkey in the wagon, the wagon stopped one hundred and
fifty yards from the store out in the road; I don't remember how
many wagons there was.

Q Was there more than one? A Yes, sir, I think there was as many as
three.

Q Where did he say the fight had occurred? A Up about Horse
Creek somewhere.

Q After he told you about the fight up there did you hear anything
more about it? A Very little, because soon after that I went to
Texas, and was gone about six weeks.

Q Now that was in '66 you said? A Yes, sir, I know it was '66.

Q Now you say there was a man by the name of Elliott in the store
where you were working? A Yes, sir.

Q What became of him? A Well while I was gone to Texas he was
killed and robbed there two miles and a half from the store,
on the Orphan Asylum road, and when I come back his son had taken
the goods and gone back to Kansas; the store was broke up.

Q You went to Texas in '66? A Yes, sir, about the first of October,
is my recollection, and I came back sometime in November.

Q And in the meantime this man Elliott had been killed? A Yes, sir.

Q After you came back from Texas did you hear anything further about
the fight on Horse Creek? A Nothing, only just rumor.

Q That there had been a fight? A Yes, sir.

BY MR. HASTINGS:

Q You don't know any of the parties engaged in it? A No, sir, I
don't remember those.

Q You don't know either about Toke Bean being in it? A No, sir.

Q You never saw Toke Bean at the time? A No, sir.

Q You don't know what place on Horse Creek it was? A No, sir.

Q That is all you know about it? A Yes, sir, that's all.

Q You don't know whether that is the one that Toke Bean was in or
not do you? A No, sir.

BY MR. MELLETTE:

Q You know whether George Vann was in that fight or not? A No, sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.

Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.

Q When did you see George Vann after that? A I coul'n't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.

BY MR. HASTINGS:

Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:

BY MR. MELLETTE:

Q What is your name? A Joshua Ross.

Q How old are you? A 69.

Q You are a Cherokee by blood? A I am.

Q Where were you in the fall of '66, and the winter of '66?

A I was at Fort Gibson, and Tahlequah.

Q Were you at any time up about Locust Grove, a store up there?

A Yes, sir.

Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.

Q You mean was it in December '66 or along there in '67? A Yes, sir.

Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.

Q Was that after or before this man Elliott was killed? A It was after he was killed.

Q Now do you know George Vann? A I do.

Q Did you see him along about that time? A Yes, sir.

Q Where? A I saw him there at this time.

Q While you were taking these claims? A Yes, sir.

Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.

MR. HASTINGS waives cross-examination.

S.S. STEPHENS, being first duly sworn and being examined testified as follows:

BY MR. MELLETTE:

Q What is your name? A S. S. Stephens.

Q What is your age? A I am about 64 years old, 63 or 4.

Q Are you a Cherokee by blood? A Yes, sir.

Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.

Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.

BY MR. HASTINGS:

Q George Vann alive? A Yes, sir.

BY MR. MELLETTE:

Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.

BY COMMISSION: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.

Q What year was that? A That was '66; I wrote the order myself. I remember making the order for more, I was elected school superintendent.

Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.

Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.

Q What year was that? A That was in the fall of '66 as near as I can remember.

Q And you don't know the time? A Yes, sir.

Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.

Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Nose.

Q Did you know Tobe? A Tobe, I mean, I know them well.

Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.

BY MR. HASTINGS:

Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.

BY MR. MELLETTTE:

Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.

Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.

BY MR. HASTINGS:

Q You were clerk for the representatives of the Cherokee Nation in 1898 before the Kern Clifton Commission? A Yes, sir.

Q You were around with us a good deal of that time? A Yes, sir.

Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.

Q Also a great many witnesses were introduced on both sides? A Yes, sir.

Q There was a great deal of discussion about it? A Yes, sir.

Q Did you ever go on the stand and testify at that time? A No, sir.

Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you know and how testify about? A No, sir.

Q Never told any one about it? A No, sir, you requested me at

Claremore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.

Q You told me about it? A Yes, sir.

Q And you told me you knew it too? A You never asked me.

Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuok Bryan, what they testified about it here, looking it up, you sent me over to see, - it was Sam's wife I think, she was there at Rachel's.

Q And I sent you over there? A Yes, sir.

Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.

Q You never told me anything you knew about it? A You never asked me a single thing.

Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.

Q This question was largely discussed at that time? A Yes, sir.

Q Well, you never told me you knew those facts you testify about now?

A Never did I say a word to you about it.

Q How long were you with us? A Was with you during the whole time, that is from Vinita down.

Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.

Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.

Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.

Q You saw Tohe Bean in '66? A Yes, sir.

Q Where? A Up here at Island Ford.

Q Living there? A I suppose living right there yet.

Q He was living there? A Yes, sir.

Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.

Q Have you ever been tried in any courts for anything? A No, sir.

Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now,

you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

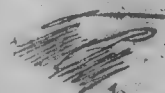
I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. GREEN.

Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVILIZED TRIBES

FILED
APR 14 1902


ACTING CHAIRMAN

original transcript.

Arthur Croninger

Subscribed and sworn to before me this 12th day of April, 1903.

Philip Renter
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 3, 1902.

Supplemental testimony and proceedings in the matter of the application of NEATIE MARTIN for enrollment as a Cherokee Freedman.

Appearances:

Mallette & Smith, attorneys for applicant.

W. W. Hastings, attorney for Cherokee Nation.

E. J. Clayton, being first duly sworn, and being examined, testified as follows:

Mr. Hastings: What is your name? A E. J. Clayton.

Q What is your age? A I was 58 years old the 22d day of February last.

Q What is your post office? A Walkertown, Bourbon County, Kansas, at this time.

Q When did you come to the State of Kansas?

A I got here on the 7th day of September, 1867.

Q Did you know a colored man by the name of William Martin? A Yes sir.

Q Did you know his wife? A Yes sir.

Q What was her name? A He called her Oneada.

Q When did you become acquainted with the husband and wife?

A I suppose about the 12th, I think. I put a wagon tongue in in the shop on the 12th of September, as near as I can remember.

Q What was Bill Martin doing? A Blacksmith.

Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter, and no longer.

Q You did work at the wagon trade for that winter. A Yes sir.

Q The winter following September, 1867? A Yes sir. The winter and spring of 1867 and 1868.

Q It was the winter after you got the Kansas? A Yes sir.

Q How long did you continue to know this family, Martin and his wife? A I knew them until 1868, I think. I forget just now. He died there about that time, right south of me right on Roach's place.

Q Have any family? A Yes sir, had several children.

Q Know any of them? A Yes sir, but I have forgotten their names.

Q Did Bill Martin have a brother that you know of? A Yes sir, he had Lou Martin, who was a blacksmith and worked there with us at that time.

Q How long did you continue to live there? A Until 1876. They worked together until he went away. I seen him there, but never knew anything about him afterwards.

Q He lived around there until 1876? A Yes sir.

Q How long after you come there before you got acquainted with him in the fall of 1867?

A Both worked together in the shop. Worked all together. He had two more brothers there.

Q What were their names?

A One was Tobe and the other was Poyt. I think he was older than Bill or Lou either one. Poyt was the next one.

Q How long did you know Tobe? A Until about 1876.

Q He was a brother to Louie and Bill Martin? A Yes sir.

Q And a brother to Poyton Martin? A Yes sir.

Q Did you know Poyton Martin? A Yes sir, knew him well.

Q How long did you continue to know Poyton Martin up there?

A I knew him from 1867. They all kind of hung together, those brothers did. I knew him from 1867 to, I think it was 1869, that some fellow tried to arrest him on some kind of a charge, stealing a horse or a cow, I forget which.

Q Did he run away?

A Yes, but they caught him and brought him back, but did not appear against him, then he went away to the Cherokee Nation, and I heard that he was dead. I never knew anything about him after he left there.

Q That was in 1866? A Yes sir.

Q Did you know him continuously from 1867 to 1869?

A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.

Q Did you know Ray's wife? A Yes sir.

Q Did you know who he married?

A A girl by the name Hannah Sheals.

Q Do you know a brother of Oneatie Martin's, Jack Bean?

A Yes sir, I know him too.

Q When did you first know him?

A It could not have been later than the middle of September, 1867.

Q How long did you know Jack Bean? A He left there in 1868.

Q Was he living there when you came there in 1867?

A Yes sir, he had made a crop up there that summer.

Q He had a family? A Yes sir, he said he had, I never seen his family to know them.

Q Did you know a colored man by the name of Tobe Bean?

A Yes sir. He was a brother to this Martin's wife, he said.

Q How long did you continue to have Tobe Bean up there?

A I knew him until 1868. He helped me harvest in 1868, I think. I am pretty sure he did. My brother and me was together there.

Q You and Bill Martin, the husband of Oneatie, worked together in the shop in the fall of 1867? A Yes sir.

Q How long worked with you? A Yes sir. Both blacksmiths and good workmen, I thought.

Q Is there any peculiar circumstances that makes you remember Jack Bean, any trade that you made with him?

A He never paid me for a pistol that I brought out of the war. I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.

Mr. Mellette: What is your name? A E. J. Clayton.

Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation?

A I don't know whether he is an applicant for enrollment or not.

Q How was Tobe Bean, was he a lame man? A I think so, for he had a sore foot.

Q You will swear that it was the Tobe Bean you know?

A Yes sir, the brother of Oneatie Martin.

Q When did you know him first?

A He was there around the shop all the winter of 1867, pretty much.

Q The winter of 1868 and 1869, you mean?

A No sir, I was not here, it was 1867.

Q The winter of 1866 and 1867? A It was the fall of 1867 and the spring of 1868.

Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a lame man? A I don't know whether he is or not.

Q When did Oneatie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878. I don't know which.

Q She didn't come to the Cherokee Nation in 1866?

A I never heard tell of her in 1866. I was not there in 1866, I knew her in 1867.

Q You said 1877? A I said it was in 1877 when she came to the Cherokee Nation, 1877 or 1878.

Q Was she there in 1877? A She was up there in 1877 or '78. I forget which it was.

Q Where was Oneatie Martin in 1867?

A Lived on Reach's place, right south of Mapleton there.

Q Did she come to the Cherokee Nation in the fall of 1869?

A I was not here in 1869.

Q When did you move to Kansas? A Moved in 1867.
 Q Was Neadie Martin in Kansas when you came there? A I think she was.
 Q Do you remember her? A Yes sir.
 Q How long ago was it born? A Since 1867?
 A Thirty-three or -forty years.
 Q When were you first asked to remember back that far as to these people?
 A Never asked to remember back to these people.
 Q When were you first talked to about being a witness in this case?
 A About two or three hours ago. You mean about this Neadie Martin case, two or three hours ago.
 Q When were you first asked anything about any of these colored people up there, when you first knew them? When were you first talked to about being a witness in any of these cases?
 A A week or two ago, I guess.
 Q You have not seen any of these people since they left Kansas, have you? A No sir.
 Q You don't know anything about them? A No sir.
 Q That is a long time to remember? A I guess it is.
 Q You keep in your mind clearly all the names of these different colored people, do you?
 A Yes, and a whole lot more of them that live there.
 Q Why do you remember their names so distinctly?
 A They worked for me. This Neadie Martin washed for my wife.
 Q You remember Tobe? He is a brother to Bill Martin?
 A I think he was the oldest one of them.
 Q What county was that in? A Bourbon County, Kansas.
 Q How far from the Cherokee Line? A About 75 miles.
 Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
 A I know that he was. That is, I know that there was a Tobe Bean there.
 Q Was he a lame man? A He was lame there that winter at some time. I don't know whether it was a permanent lameness, or anything about it.
 Q What time did you see him? A He was around the shop in the winter.
 Q When, of 1867? A Yes sir.
 Q That would throw him into the year 1868 too?
 A Yes sir, I think he left there in 1868 or 1869. That is, in the winter, probably, of 1868.
 Q Tobe Bean left there in 1868-9 A Yes sir, I think he did.
 Q The Tobe Bean that you are talking of? A Yes sir.
 Q He did not then, leave Kansas in the fall of 1866 or the fall of 1867? A I don't know what he did in 1866. I was not there in 1866.
 Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
 Q Never went away? A I never missed him if he did. He was around the shop there.
 Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr. Hastings: Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?
 A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:

D-388, D-389, D-390, D-412, D-508, D-589, D-593, D-657, D-658, D-911, D-940, D-964, D-913, and in the case at bar.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson.

to the possession of the said copy and complete copy of
the above copy and that the same is a true and complete copy of
the original.

Witness my hand and seal this 14th day of April, 1903.

Notary Public.

COMMISSION EXPIRES

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VALUING COMMISSION

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly made the above copy and that the same is a true and complete copy of the original.

Subscribed and sworn to before me this 14th day of April, 1903.

[Signature]
Notary Public. *[Signature]*

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Fred Martin, D 857;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof or any or all of the record other than the decree already referred to

of Moses Haimaire, trustee, Cherokee Nation, on
in its Court of Claims to the Council of the Cherokee Nation
is hereby denied.

W. Hastings

The Cherokee Nation certainly, previously, requested the
allowance of this permission as to the granting of this request.
The reason that most of these applicants have had more than
year in which to file their applications is that the Commission
filed to make a decision on the case before the Commission. The Commission
was given them all by agreement in March last. That the case should
be closed so far as testimony was concerned. The Commission per-
mission of the first of attorneys representing these applicants on
the 31st day of May, 1902, and that this was the day, May
May, 1902, we say that under the rulings of the Commission, that
under the agreement between the attorneys, that the Commission in
all these cases is to make a decision on the case and no case
and the case is to be closed. The Commission is to make a decision
reopened unless there is a good reason for reopening the case.
either by the Cherokee Nation, the Commission, or the applicant.
on the other way an extension of time is necessary or denied.

The Commission

The law provides that the roll of Cherokee Freedmen shall
be made in strict compliance with the orders of the Court of Claims
rendered the 3rd day of February, 1896, and as the Commission has
received notice of the hearing of said case in the pro-
ceedings before the Commission, the Commission is to make a decision
under additional time to file said case. The Commission is to make a decision
the said Court is denied.

The undersigned, being duly sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he has correctly recorded
the proceedings in the above case, and that the foregoing is a true
and correct transcript of his stenographic notes.

(Signed) E. G. Rothberger

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. O. Butler,
Notary Public.

(SEAL)

I, E. C. Fugwell, a stenographer to the Commission to the
Five Civilized Tribes, on oath state that the above and foregoing
is a true and perfect copy of the original testimony in the above
mentioned case as filed with the Commission, which copy was made
by me.

E. C. Fugwell

Subscribed and sworn to before me this July 29, 1902.

E. C. Fugwell

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) F. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

E. C. Bagwell
Notary Public.

Cher Fr D 658

Cher Fr D 658

File with Cherokee Freedman D-658, *C. H. Martin*

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 15, 1901.

In the matter of the application of Lewis Martin for the enrollment of himself, his wife and one child as Cherokee Freedmen.

Lewis Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q What is your name? A Lewis Martin.
- Q Who is it you want to apply for, anybody besides yourself?
- A Just one child.
- Q Yourself and one child? A Yes, sir.
- Q Is that child under 21 years of age? A Yes, sir.
- Q Is it unmarried? A Yes, sir.
- Q Never been married? A No, sir.
- Q How old are you? A No, I am about 64 years old.
- Q What is your postoffice? A Chelsea.
- Q In what district do you live? A Cooweescoowee.
- Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation more or less ever since '66.
- Q Where did you live before '66? A Before '66 I lived here till the breaking out of the war I went to Kansas.
- Q You said you had been living in the Cherokee Nation more or less since 1866? A I was running around, I have been in the Cherokee Nation, I never lived anywhere particular, worked around, I worked in Kansas some of the time, my home has been here ever since '66.
- Q Where did you live before the war broke out between the North and South? A I lived on Grand River.
- Q Were you a slave in that time? A Yes, sir.
- Q Were you a slave at the time the war broke out? A Yes, sir.
- Q Here in the Cherokee Nation? A Yes, sir.
- Q To whom did you belong? A Joe Martin.
- Q Was he a Cherokee citizen? A Yes, sir.
- Q Have you been duly recognized and admitted to the rolls as a Cherokee Freedman? A No, sir, I am not.
- Q Give me the name of your father? A My father's name was Harry Martin, was my owner's name.
- Q Is he dead? A Yes, sir.
- Q Has he been dead how long? A Well, I don't know, he died during of the war.
- Q Give me the name of your mother? A Gelia.
- Q Is she dead? A Yes, sir.
- Q How long since she died? A I don't know, about ten or twelve years as near as I can remember.
- Q Was she a Cherokee Freedman? A Yes, sir.
- Q Was she duly recognized as a Cherokee Freedman? A No, sir, she was too old to ever get around to be recognized.
- Q Give me the name of your child? A Ernest Martin.
- Q How old is the child? A I think, as well as I can remember, it is about 12 years old.
- Q Is your child living now? A Yes, sir.
- Q Give me the name of the mother of that child? A Sarah.
- Q Your wife Sarah? A Yes, sir.
- Q Is she dead? A No, sir.
- Q She is living, is she? A Yes, sir.
- Q Have you and she parted? A No, sir.
- Q Why don't you not apply for her? A Well, because she is a non citizen, she isn't a citizen.
- Q When did you marry Sarah? A I married her I think about '64.
- Q Where did you marry her? A Married her in Kansas.

Q Have you and her lived together as husband and wife ever since 1864. A Yes, sir.

Q How old is your wife? A I think, as well as I can remember, she is about 54 years old.

Q What district were you living in in 1880, or were you living in the Cherokee Nation? A Yes, sir.

Q What district were you in? A I was in Cooweescoowee part of the time.

Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.

Q Have you ever drawn money? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1898 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

A I am not on that I know; I know the reason why I am not.

Q Did you draw Cherokee strip money? A Yes, sir.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Lewis Martin on page 158, No. 3916, Cooweescoowee district, as Louis Martin.

Ernest Martin on page 158, No. 3918, Cooweescoowee district.

Sarah Martin not on Kern-Clifton roll.

The Wallace roll examined and the applicant Lewis Martin identified thereon, page 151, No. 2742, Cooweescoowee district.

Q Your wife Sarah, she is not on any roll at all? A No, sir, she is not a citizen.

Q Were you ever married except to her? A Yes, sir.

Q How many times were you married before you married her? A Only once.

Q Was your wife dead when you married Sarah? A Yes, sir.

Q Was Sarah ever married except to you? A Well, no, sir, she wasn't married before she married me.

Q Hadn't she ever lived with a man as husband and wife? A No, sir.

Q Well now, how comes it you are not on the roll of 1880; didn't you apply? A The reason I didn't apply a man used to live with me and another fellow I was acquainted with, he had went to enroll and they told him they wasn't enrolling any negroes that has been in Kansas, and I knew I had been there, and didn't go.

Q How comes it you are not on the 1898 roll? A I am not on the 1898 roll; I went towards the enrolling, I didn't go for that purpose, and I asked the question, what are you doing, and a man told me they were taking a roll of the Cherokees, and I didn't pay any more attention, I just walked off, I knew I wasn't any Cherokee.

Q You were up in Kansas during the war? A Yes, sir.

Q What time did you come from Kansas? A Come back in the fall of '66.

Q How did you happen to come back in '66? A Well, the postmaster was reading the paper, and he told me, and he asked me did I live in the Cherokee Nation before the war, and I told him yes, sir, and he said you people that belong in that Cherokee Nation down there have the same rights as they have, says if you will go back, and I told him at the time I didn't care nothing about it, I was a little afraid and he says don't be afraid, they have made a treaty and if you all go back you have the same rights as they have, and I pulled up and started.

Q You came back when you heard of that treaty? A Yes, sir.

Q You came back in order to keep your being in Kansas from counting against you? A I don't understand that.

Q Did you come back so as to be within the time fixed by the treaty? A Yes, sir, that is what I aimed to do.

Q Did you understand that if you came back within a certain time that your being in Kansas wouldn't count against you? A Yes, sir, he told me if I came back in '66, he says you will be a citizen of that

country.

Q That is what you understood at the time? A That is the way I understood it.

Q Was that your object then in coming back in '63? A Yes, sir, that was my object.

Q So as to get your rights? A So as to get my rights.

Q So your being in Kansas wouldn't be counted against you? A That is what I thought.

Q Now comes it when you went to enroll in 1880 you didn't go on up to be enrolled, when somebody mentioned you had been in Kansas?

A Well, I told you the reason I didn't go: I didn't have any one to go with me, I had got bushwhacked once and I was afraid to go around much, I was bushwhacked coming back from Kansas and three got killed out of my crowd.

Q Were you still afraid of that in 1880? A Yes, sir, I was still afraid of that and I am still afraid of running about by myself.

By J. S. Davenport, Cherokee Attorney: Where were you living in 1880

A I didn't have any established home, I was working around living along with my people, with my brothers wife, Junie, I didn't have any regular home, I didn't stationary myself at all, because I was hard up and didn't have nothing.

Q Did you have any family? A I have got a family, but my family wasn't with me.

Q Where was your family in 1880? A They were here sometimes.

Q Wasn't they living in 1880 in Kansas? A They was here part of the time in 1880, and part of the time in Kansas.

Q What part of the time in 1880? A I can't tell you just what month they were here, they were there some and some here.

Q The some they were making the roll down here they were that some up in Kansas? A No, sir, they wasn't.

Q When you came back from Kansas just after the close of the war, what year was that you came back to the Territory? A I came about '66.

Q Didn't you come back first according to your own testimony in '63? A I came back here and went to Fort Gibson driving a train in '65 c. '64.

Q And you went back to Kansas after that? A Yes, sir.

Q And the next time you came back was in '67? A No, I came here in '66, I came here in '65 sure.

Q You testified before the Kern-Clifton Commission, didn't you?

A Yes, sir.

Q Didn't you testify there that you came down to the Territory in '65 and made a crop, went back to Kansas, and then came back?

A No, sir.

Q (Reading) "I was bushwhacked on my way to Fort Gibson on Horse Creek, they killed three of our crowd, I came back the last time in 1887." Now did you testify to that or not before the Kern-Clifton Commission? A I did not, it was a mistake somehow or other, for it was in '66 when I came back.

Q For several years you lived in Kansas and the Territory and back and forth just anywhere? A I lived in Kansas not a year since '66.

Q But you have been living there? A I have worked there, I am living anywhere where a man stops.

Q Did your wife and children live up there for quite a while after 1866? A No, sir.

Q Did they ever live there at all? A Lived there; when she wanted to go back there, when she wanted to be confined, her mother lived there, and she would live with her.

Q Where did you first locate and make a home in the Cherokee Nation after you came back? A I didn't build any place, I just located on Pryor Creek right close to my sister, and I just kept on improvements up there, the claim.

Q What part of Pryor Creek? A I can't tell you; close where my sister lives, eight or ten miles north of Chalewa.

Q When was that? A I can't tell you, that has been 18 or 19 years ago.

Q That was the time you came back from Kansas? A No it wasn't.

Q Where did you live in the Cherokee Nation before you lived up there on Pryor Creek? A I lived some here in Vinita around north of Vinita and south of Vinita.

Q Who was living in Vinita at the time? A Lots of people, I don't know.

Q About what year was that? A I can't tell you just what year that was either.

Q Was that before or after the railroads were built to Vinita? A It was after the railroad was built I lived here.

Q Did you come to Vinita and locate immediately after you came from Kansas? A No, sir.

Q Where did you locate before you came to Vinita? A I tell you I stayed a while with Mose Riley before that, they are relations of mine, I stayed with them.

Q Where did Mose Riley live? A He lived out west of Chelsea, northwest of a while.

Q That is where your sister lived? A No, I have got no sister, I have one sister living, none but there, no, sir.

Q Where did you live before you went to Mose Riley's, after you came back to the Cherokee Nation? A I tell you I never had any stationary home at all, I just lived here and there, where I could get a job, I never built.

Q Where did the other people live you stayed with? A I tell you I never stayed with none, I just went around with my kin people, I stayed a while with Riley and I stayed at my sister's and I stayed at Dave Mar in's on Big Creek, and another cousin of mine called Nellie Wilson.

Q Who did you stay with when you were living in Vinita? A I stayed with my own people.

Q Who were your own people? A My family, they were living in Vinita then.

Q Did they have any name? A Yes, sir.

Q Why can't you tell the name? A There was my wife, and Bill my stepson.

Q Bill who? A Bill Martin they called him, and George Martin, Fred Martin, Jannette Martin.

Q They were all living here in Vinita at that time? A Yes, sir.

Q Where was that town in Kansas that that postmaster called your attention to the treaty being made? A It was in a little town they called Mapleton.

Q Was there any railroad there at that time? A No, sir.

Q How far was it to a railroad from where you lived? A I can't tell you, I don't recollect whether there was any railroad at all.

Q About how far from the Cherokee line? A I can't tell you that.

Q Was it in sight of the line? A In sight; why not that I know of.

Q How long did it take you to reach the line of the Cherokee Nation when you started? A I don't know where the line was and don't yet.

Q Where do you live now? A I live near Chelsea.

Q You have lived here since '88 you say? A Yes, sir, from time I say I was here living.

Q And you don't know where the line of the Cherokee Nation is between the Nation and Kansas? A No, I don't.

Q Have you ever been back to Kansas since '88? A Yes, sir.

Q How do you know when you got back to Kansas? A When I came to the town I know it was Kansas.

Commissioner: How many children have you altogether? A I have five, I tell you, as well as I can recollect.

Q What are their names? What is the name of the oldest one?

A My oldest one is named John.
 Q How old is John? A I don't know just exactly, I can't tell, he is something in thirty.
 Q What is the name of the next child? A George.
 Q How old is George? A George I think is thirty something too.
 Q The next child? A Fred.
 Q How old is Fred? A He is 24 or 25, I just can't remember their ages, I haven't got them down.
 Q What is the next child after Fred? A Albert.
 Q How old is Albert? A He is about 21 years old.
 Q What is the next child? A He is about 18.
 Q What is his name, Ernest? A Yes, sir.
 Q That is the child you are applying for? A Yes, sir.
 Q Where was John born? A John was born in Kansas.
 Q Where was George born? A In Kansas.
 Q Where was Fred born? A In Kansas.
 Q Where was Albert born? A In Kansas.
 Q Where was Ernest born? A Out here near Chelsea.
 Q Are you keeping house in the Cherokee Nation now? A Yes, sir.
 Q Where is your house? A My house is out about three miles north of Chelsea.
 Q How long have you lived there? A 13 or 14 years, as well as I can recollect.
 Q Been living there in that one house? A Yes, sir.
 Q Did you ever keep house before that? A No, not always.
 Q Have you any other children besides these five you have named here? A Yes, there is another child there, he is a stepchild.
 Q Have you any children of your own I mean, you and this wife? A Yes, sir, I had one.
 Q That one is dead? A Yes, sir.
 Q What was the name of that child? A She was named Eliza.
 Q How old would she be if she was living now? A I can't tell you, she was born before the war.
 Q She was older than John? A Yes, sir.
 Q Where was she born? A She was born here in the Territory before the war.
 Q Before the war you think? A Well, I think just about the beginning of the war, or maybe before.
 Q Is she the child of this woman Sarah? A No, sir.
 Q Child of another woman? A Yes, sir, she is dead.
 Q That is the first wife you had? A Yes, sir.
 Q You say that you and your family have never kept house except in the house where you are living now? A No, never kept house, never have, I brought all my things here in '55, I never had nothing, and left them up on Spring Creek and never got them.
 Q Has your wife been with you all the time in your roving backwards and forwards? A No, she wasn't with me, sometimes I would send for her and sometimes I would go myself, send her back to her mothers.
 Q To Kansas? A Yes, sir, her mother lived there.
 Q Sometimes you would take her? A No, I never took her myself nary a time.
 Q Well, now you told me that you had been living in the Cherokee Nation off and on, and you have been in Kansas, and to the Cherokee Nation off and on? A I have been there yes, sometimes.
 Q Now all your information is of an extremely indefinite character; can't you tell me in plain, practical, common-sense way just where you and your wife and all these children have been spending your time since 1865? A Yes I can tell you.
 Q Well do it? A Well, I will tell you.
 Q Give me the names of the places and the times you have lived at those places; you have had too much of a family just to be a rolling stone all the time? A Well, they were not rolling all the time. Three of these biggest children has stayed with their mother,

their grandmother, the biggest part of the time.

Q I am talking about you too? A Well maybe I was here working around and sometimes I would work up there in Kansas, I would work sometimes two months or three months and I would come down here.

Q Have you had any settled abiding place at all? A No, sir, not a year at a time.

Q Have you not been stationed at one place for several years?

A No, sir, not since 1866, on up till 1880, no, sir.

Q Not been staying as much as one year at a place? A Yes, I have stayed as much as a year.

Q How many times have you stayed at one place as much as one year?

A Many a time but once.

Q When was that? A I can't tell you the year at all, it has been some time ago.

Q Was it before 1880? A I think it was as well as I can remember.

Q Just working from pillar to post? A Just worked where I could get a job.

Q And your wife not going around on these little trips with you?

A No, sir.

Q Did you ever vote up there in Kansas? A No, sir.

Q Have you anybody here who knows that you and your wife have been married? A Yes, sir.

Q Who is there here? A Toke Bean.

TOBE BEAN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Toke Bean.

Q How old are you? A About 62 years old.

Q What is your postoffice? A Vinita.

Q How long have you lived in the Cherokee Nation? A Been living here all my life.

Q Do you know this applicant here, Lewis Martin? A Yes, sir.

Q How long have you known him? A Been knowing him forty or fifty years I guess, we were boys together.

Q Do you know his wife? A Yes, sir.

Q What is her name? A Sarah.

Q Was this man ever married except to this woman? A Yes, sir.

Q How many times? A Once is all I know of.

Q Was that wife dead when he married this woman? A Yes, sir.

Q About how long have he and this woman Sarah been married?

A Must be thirty some odd years I guess.

Q Have they been living together ever since as husband and wife?

A Yes, sir, to my knowing.

Q Where did you first know his wife Sarah? A Up in Kansas at Mapleton.

Q Where is she at that time? A She is up on Panther Creek.

Q How long has she been living out there? A I don't know how long she has been living there.

Q How far is that from Vinita? A About twenty miles, out the other side of Chelsea.

Q Has she been living there long? A Yes, sir.

Q Is she keeping house out there? A Yes, sir.

Q Who lives there with her? A Mr. Martin here and his family lives there.

Q Any children living there with them? A Yes, sir.

Q You don't know how long they have been living out there?

A No, sir, I don't know exactly.

Q You think that is twenty miles or some such matter from Vinita?

A Yes, sir.

Q Have they been living there as much as five years? A Yes, sir, longer than that I guess.

Q They have been living there as much as seven years? A Yes, sir, I reckon seven years or longer, been longer I guess, I don't know exactly when he moved there? I live out east here and he lives west out there.

Q Have you ever been to that house? A Yes, sir, been to that house.

Q You know just where it is? A Yes, sir.

Q How often have you as a general thing seen this man Lewis Martin, say along for the last twenty years? seen him every six or eight months? A Yes, sir, sometimes about a year before I see him, we live a good piece apart to see him pretty often.

Q What do you know about his doings along from '66 down to this time, where has he been living? A Living at Vinita a while, and Pryor Creek, and I don't know where he did live.

Q A man who has got a family of children and a wife, generally every man has some kind of a living place, where has he been making his home mostly since '66 or '68, since the war closed? A Out on Pryor Creek I reckon, but he lives a good piece from me, I haven't been keeping the run of him; I see him once in a while though.

Q You have been seeing him every six or eight months or a year?

A Yes, sir, sometimes maybe a year.

Q And you don't know where he has been living during that time?

A No, sir.

Q Can you name any place that he has been making his home except out here on Panther Creek? A Lived here at Vinita a while.

Q How long did he live in Vinita? A I don't know exactly how long I know he made a crop or two.

Q Do you know where he has been, any other place except Panther Creek and Vinita? A I heard he was living on Pryor Creek, I never seen him when he lived down at there.

Q That is all you can say about where he has been living and all that? A Yes, sir.

Mr. Davenport: Where was he living when you first got acquainted with his wife Sarah? A In Kansas.

Q About how long has that been? A About thirty some odd years ago.

Q Do you know whether or not he moved from Kansas to this place out here north of Chelsea where he is living with his family now?

A No, sir, I don't think he did, for he lived at Vinita before I moved there.

Q Do you know whether or not his family ever lived at Vinita?

A Yes, sir.

Q Anywhere near this place out there near Rollin K. Adair's place out north from there? A I don't know, I know his place must be two or three miles northwest of Chelsea.

LEWIS MARTIN, recalled, testified:

Commissioner: The Commission has not yet decided whether a person can acquire rights as a Freedman by intermarriage, and your life, if you have rights, may have rights as an intermarried Cherokee Freedman. So you had better include her in your application. You agree to that, do you? A Yes, sir.

Commissioner: The applicant applies for the enrollment of himself, his wife and one child. The applicant is identified on the Wallace roll and on the Kern-Clifton roll. He is not identified on the roll of 1880 or on the census roll of 1896. The testimony in regard to his residence after the war will need to be carefully considered. It is not contested that he was a Cherokee slave before the breaking out of the war, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

His wife is not identified on any roll, but it is shown in a satisfactory manner that they were married some thirty

four or more years ago. The applicant states that he was once previously married, but this former wife was dead when he married his present wife, and that this present wife was never married except to him. They were married in the State of Kansas. For the further consideration of her rights, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

The child, Ernest Martin, said to be 12 years of age, and now living, is identified on the Kern-Clifton roll, but not upon the census roll of 1880. This child will now be listed with his father and mother as a Cherokee Freedman on a doubtful card.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce G. Jones.

Sworn to and subscribed before me this the 15th of May, 1901.

Signed, T. B. Needles,
Commissioner.

Supplemental Testimony

To be filed with C.F.D 289

Mollette & Smith for applicant

W.W.Hastings for Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6th, 1901.

GEORGE WESS VANN, called and sworn by Commissioner T. B. Needles testified as follows: for the applicant:

By Smith of counsel for applicant:

Q What is your name? A George Wess Vann.

Q Where do you live? A On Verdigris river, Cooweescoowee district.

Q In the Cherokee Nation? A Yes, sir.

Q Are you on the 1880 roll? A Yes sir.

Q Do you know Lewis Martin? A Yes, sir.

Q How far does he live from Chelsea? A I guess about three miles.

Q About how long has he lived there? A I don't know how long.

Q How long have you known of his having lived there? A Since about '79 I think.

Q Were you asked to testify in his case at Vinita? A Yes sir.

Q Did you go there for that purpose? A Yes sir but he never went into the tent to apply while I was there, I was on the jury as court and had to go back to court.

Q How long have you known this Lewis Martin? A I had seen him a time or two, he came in the same crowd I did in '86.

Q Where did you come from and where did you come to? A Come from Kansas to the Cherokee Nation.

Q When was that? A In '86.

Q Was this man Lewis Martin one of the parties that was with you? A Yes, sir, at that Horse Creek battle.

Q What do you mean by the "Horse Creek battle"? A A fight where we had three men killed and one wounded.

Q Who did you fight with? A I don't know, the all run off.

Q Where was that fight? A On Horse Creek, in the Cherokee Nation.

Q Do you know what became of Lewis Martin after the fight? A He went with us where we lived.

Q Where? A Spring Creek.

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Q How long did it take you to go from Horse Creek to where you lived on Spring Creek? A I don't know exactly, think it was about a day and a quarter.

Q How long did you stay at your place? A Week or two.

Q Where did he go from there? A He said he went to Kansas, I saw him two years after that.

Q Where? A On Grand river.

Q What was he doing there? A I just saw him there, I was at a camp meeting.

Q The next time you saw him was when? A The next time I saw him was out here in '79.

Q Where was that? A On the Verdigris.

Q Where has he been since that? A I have seen him in Cooweescoowee district off and on since.

Q Near what place? A Chelsea.

By F.W.Hastings for the Cherokee Nation:

Q How old are you? A 51 years old.

Q Where were you born? A On Spring Creek.

Q Who did you go to Kansas with? A Went with my uncle Gilbert and a whole raft of colored people, three or four hundred.

Q What point in Kansas were you when you started back here? A Franklin county, near Ossawatimie.

Q Who did you say come back with you? A Well I didn't say this time - do you want me to tell all that was along?

Q Yes sir all that was in that crowd of which you have stated at other times you were captain of? A Well there was uncle Sam and Eli Vann and Cloris Chouteau; Art Bean, Walter Vann, Dave Vann, Dennis Vann, Young Gilbert Vann, old man Gilbert Vann, Susie Vann, Kate Vann, Lizzie Vann, aunt Lucy Vann, Patsy Vann, Bill Senders, Ebbie Shaw, Jess Shaw, Jate Shaw, aunt Mary Musgrove, Jane Musgrove, Jack Bean, Wess Vann, Jess Vann, there was a colored fellow Creek fello along I can't think of his name, Martha Vann, Kate Vann, Boots Vann, Young Sam Vann, Mandy Vann, that is all I can remember just now, whole lot more and a lot of little children I dont remember.

Q You was 16 years old then? A Yes sir.

Q You testify that you were the captain of that crowd? A Yes sir.

Q And there were some of those men along who were 50 and 60 years old wasn't there? A Yes sir.

Q Who were the men that were killed in that fight? A Wess Vann, Phil Daniels and Jesse Vann, and then Tobe Bean was shot through the arm, a flesh wound.

Q Zbout what part of Horse creek was that fight? A I dont know.

Q How far from the Kansas line? A I dont know that either.

Q How far from where it empties into Grand river? A I cant tell you that.

Q About how far, 10 or 15 miles? A I dont know, I wasn't up at the mouth.

Q About how far from where Afton is? A I don't know where that is then.

Q Did you go right on after that fight? A Yes sir.

Q They had this same question up five years ago before the Karn's court? A Yes sir.

Q Did you then ever testify that you were captain of that crowd and had a fight on Horse Creek? A No sir, they never asked me about it.

Q You didn't testify about it? A No sir.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 12th of June, 1901, at

-10-

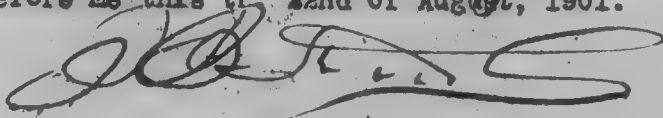
Chelsea, I. T.

Signed, T. B. Needles,
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that the same is a true and correct copy from the originals.

Bruce C. Jones

Sworn to and subscribed before me this 22nd of August, 1901.



Commissioner.

X
File with Cherokee Freedmen, B-458

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., Feb 22, 1901.

In the matter of the application of Tobias Bean et al. for
enrollment as Cherokee Freedmen.

Appearance:

Mallett & Smith, attorneys for applicants;

W. W. Hastings, of counsel for Cherokee Nation.

Jess COCHRAN, being duly sworn by Commissioner Needles, tes-
tified as follows:

Q. What is your name? A. Jess Cochran.

Q. What is your age? A. About 53.

Q. Where were you born? A. Here in the Cherokee Nation.

Q. Cherokee by blood? A. Yes, sir.

Q. Did you go out of the Nation during the war? A. No, sir.

Q. Where did you live in '65 and '66? A. Out here on Grand River,
it was known as the Johnson Thompson place.

Q. A brick house there? A. Yes, sir.

Q. Mr. Cochran, was your father living with you in '65? A. Yes, sir.

Q. When did your father die? A. In the fall of '66, he was killed
the 2nd of October.

Q. Where was he killed? A. On the military road at what was
known as the Bob Daniels place.

Q. How far was that from the place you are living? A. It is about
three miles.

Q. On what side of the Grand River were you living? A. It would be
on the west side, same side the military road was.

Q. Do you know Bob Daniels Knight, who is a witness here in this case

A. No, sir, not that time.

Q. You didn't know him then? A. No, sir.

Q. Do you know him now? A. Yes, sir.

Q. Did you take any steps after your father's death to apprehend,
to catch the people who did the killing? A. Yes, sir, I went and got
the sheriff and his posse, we were trying to find the men that killed
him, his name is Lewis Vittetau.

Q. Where did you go? A. I went up right northwest on what is
known as Cabin Creek, over near the Lee Schrimsher place, and couldn't
see any track of a wagon, which I thought he had gone and left in a
wagon, and then I came across northeast in the direction of Horse Creek
and I found the place what was known as the old Knight place, it
would have been about the first of November.

Q. After your father was killed? A. Yes, sir.

Q. Was anyone living there at that time? A. No, sir, there wasn't
anyone there at all.

Q. You made an examination of the house at that time? A. Well,
we just rode around there, there wasn't a soul in there, it was open
and vacant, I had been there before.

Q. You made an examination and wasn't anybody living there? A. No,
sir.

Q. Did you have occasion to pass by this same house after that?

A. Yes, sir.

Q. About how long after this? A. It was along in about, I would
say about the 10th or 15th of December.

Q. Of what year? A. The same year.

Q. Was anybody living there at that time? A. No, sir.

Q. Do you know who afterwards lived in that house? A. No, sir, I
don't.

Q. You know what place it was called, known as? A. Oh yes, I know
it was the old Knight place.

Q. What name? A. It was near Horse Creek.

Q Where did you move away from in the old place on Grand river?

A In the country of...

Q As to that time, did you hear of any... upon any
negroes on horse...

Mr. Mallette: I object to the question as not material
in this case. It is a hearsay.

Mr. Hastings: It is a circumstance that unquestionably
ought to be admitted.

Objection: I don't think that is a material question.

Q Did you know of any? A Only just heard of it.

Q Did you hear of it at that time? A In 1867, the fall that
I went down to Cabin Creek to the store, a man by the name of Maul
was selling goods there, and they told me the soldiers had just
passed.

Q Don't tell what they said, the others. A That is the only way
I got any information there had been a fight.

Q You haven't heard of any fight before you went to the Knight
place in '66? A No, sir.

Q Do you know this applicant, Robt Bean? A I don't know whether
I do or not. In the last few years I might have seen him a time or
two; at that time I don't think I knew him.

Q How far were you living from Andy Frye and Millie Frye when
your father was killed in October of 1866? A It must have been
about two miles, just where the road crosses the river, might not
have been that far.

Q You didn't know Robt Bean then? A No, I knew the others that
was living there.

Q You were acquainted with the other colored people who were living
over there? A Yes, sir.

Q Did you ever see Robt Bean over there in that year? A I don't
remember whether I did or not.

Mr. Mallette: They had a good many fights around through this
country along about that time, didn't they? A No, sir, there wasn't
any as I know of.

Q No fights at all? A At that time there wasn't nobody killed.

A Well there was when my father got killed a month before that.

Q Where did he get killed? A On the military road.

Q Could a fight have occurred and you not heard of it? A It
might have been, but I never heard of any.

Q Do you claim to have heard of every fight that occurred in this
country? A That was after the war, it was people you knew.

Q Do you swear that you heard of every fight that occurred?

A Well, I would remember it if I did hear it. I don't think I
heard of any.

Q Where did you say you lived along about that time? A On Grand
River.

Q How old were you then? A Well, I must have been nearly 20
years old.

Q What part of Grand River did you live? A In '66, as I said
where I was living on what was known as the Johnson Thompson place, a
brick house.

Q Near what place on Grand River now? A I believe they call it
the Hatchum place now.

Q On which side of the river were you living? A I would call it
on the east side of the river.

Q You ought to know? A That is what it is.

Q Mr. Hastings has asked you something about the Knight place;
what place is that he was talking to you about? A Well, that is
right pret'y much north from the Thompson place, right due north.

Q How far from where you lived? A From that place, the Thompson
place, well it couldn't have been over 10 miles.

Q Were you well acquainted in that country? A I was, yes, sir.

Q Up where that house stood? A Yes, sir.

Q Where is it now? A It was known as the Knight place, it was vacant then.

Q How often did you go in that country? A Well, I can't tell you just how often I had.

Q I just want to know how often you had been up in that country?

A I had been to that place since then that year.

Q Do you remember every place, do you remember for 35 years afterwards every place that was vacant at that time? A Yes, sir, I do.

Q You can remember now every place that you passed by in '66 that was vacant at that time? A Yes, sir, there wasn't but one old place between them, known as the Ben Landrum place, that was the only place there was there.

Q You just passed by these places in question? A Yes, sir.

Q Came right through that country? A Yes, sir, came on the military road.

Q Who did you say was with you? A My father when I first got acquainted with the place.

Q Who was with you the last time? A Tom Thompson and old man Johnson.

Q You rode by this place? A Yes, sir, rode right along and stopped at the spring there.

Q Were you driving or riding? A In a wagon.

Q You stopped at the spring and passed on; is that all you did?

A Yes, that was about all we done.

Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.

Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.

Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.

Q There has been a good deal of talk about these people remembering '66; how do you remember it; you didn't have to get back? A No, no sir.

Q There wasn't anything to make you remember '66? A Only my father got killed on October 28, 1866.

Q You say you started out to hunt the people that killed him?

A Yes, sir.

Q And Tom Johnson was with you? A No, that was the last time I was up there.

Q The last time that Tom Thompson was with you? A Yes, sir.

Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th or 15th.

Q You remember now it was the 10th or 15th of December? A Yes, sir.

Q How do you remember to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Naasno, to get some groceries.

Q How do you remember at this time it was the 10th or 15th of December? A Because it was Christmas coming, we had to get back before Christmas.

Q Might not it have been in November? A No, sir, it wasn't in November.

Q When did you have your attention called to this time before this; never thought of this till since this freedom court has been sitting here? A I don't know, it has been talked about for several years.

Q When was it talked about? A This matter came up about the same way at the Clifton court.

Q You never thought about it then till the Clifton court? A They told me I was subpoenaed on that.

Q The Clifton court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it, I knew those facts though.

Q You testified to the same facts before the Clinton Court you testified to now? A Yes, sir, as far as I can remember.

Q What do you know about it; do you think you gave the same testimony then you do now? A Yes, sir.

Q Do you remember about Al Lynch getting shot, this colored man, a citizen of the Cherokee Nation? A Yes, sir, I know just about what time, I wasn't there to see.

Q What year was it? A It was in '86.

Q You are certain of that? A Yes, sir, I let him have the whisk-ey to get drunk on.

Q Well now you know it was in '86 that Mose Baah shot Al Lynch do you, Mose Whitmire shot Al Lynch? A Yes, sir.

Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.

Q Didn't you go down to Dave Rowe's and tell him Mose Whitmire had shot Al Lynch? A No, sir.

Q You didn't? A No, sir.

Q You are certain of that? A Yes, I had nothing to do with it.

Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.

Q You will swear that? A Oh yes, I never carried any such news.

Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.

Q Hadn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.

Q You hadn't mentioned it down there at all; you know where Rowe lived, didn't you? A Old man Dave Rowe?

Q How close is it to you? A It is 20 or 25 miles.

Q Do you remember being down there in '86? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.

Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court judges.

Q Delegate to Washington? A Yes, sir.

R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.

Q What is your age? A 54.

Q Where do you live? A Now, I live in Vinita.

Q How long have you lived there, a number of years? A 35 years.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Did you live in the Cherokee Nation before the war? A Yes, sir.

Q You lived in the Cherokee Nation after the war? A Yes, sir.

Q Where was the first place that you lived in the Cherokee Nation after the war? A On Hoffee Creek.

Q What district is that in? A Delaware district.

Q Was there any road that run by your place at that time? A The old military road, we used to call it.

Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes, it must have been in the latter part of December following my return in the fall.

Q Where were you taken? A Van Buren.

Q What have you charged with? A Killing some negroes that was passing down the road there.

Q Well, and some negroes passed your place prior to that time?

A Yes, prior to my arrest.

Q Did any of them get killed at your place? A Yes, there was I saw two, anyway was killed there, I heard there was three, I don't know.

Q Any others wounded? A There was one, I don't know, that is only from hearsay, I saw him when he was fired at, but I didn't see he was wounded.

Q Did you see the shooting? A Yes, sir, the most of it, the first two or three shots I didn't see.

Q Several colored people along? A Yes, looked to me like there might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed that crowd? A Yes.

Q Well, who?

Mr. Mellette: Hold on, did he see who they was?

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to Robt Bean here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time, I don't know whether there was ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that, it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter, two of these parties that came to my house —

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that? A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lem Smith and a man named John Willis.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1867, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles; a little more or a little less, I don't know just what we do call it.

Q The military road run past by it? A Not by the Thompson place.

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this Robt Bean has ever talked to you about being shot at that place? A Well, I am not certain but what something might have on, say, I think I remember, that he said something about being in that fight, or something about being

Q How far is that from Chetopa, Kansas? A About four miles.
 Q That direction from Russell Creek? A We lived on Russell Creek.
 Q Well, where did you move to that fall? A Moved to the mouth
 of Horse Creek.
 Q Where were you living in '87? A On Horse Creek, right at
 the mouth of Horse Creek on Grand River.
 Q Do you know the applicant, John Scott? A I have seen him, I
 don't know as I am acquainted with him.
 Q Mr. Trotter, any time after the war, did or did you not hear
 of the circumstance of some colored people being killed near the old
 Knight place on Horse Creek? A Yes, sir.
 Q When did you hear of that? A It was in the fall of '87.
 Q How far were you living from the Knight place at that time?
 A About four miles.
 Q Mr. Mollette, now Mr. Trotter, do you remember that you came back
 here in the spring of '86? A I think I do.
 Q How in the world do you know it? A I was in the army and was
 mustered out in '85, in the fall, and the next summer we moved down
 here, the next spring.
 Q Where did you come from? A Kansas.
 Q What did you do in Kansas after you were discharged before you
 came down here? A I didn't do any work particularly.
 Q Where did you stay? A In Woodson County.
 Q Who did you live with up there? A My father and mother.
 Q What time did you start back here in '86? A It was in the
 spring.
 Q In the spring of '86, how did you come? A In wagons.
 Q Travel through the country? A Yes, sir.
 Q Many people living in this country at that time? A I didn't
 see but very few after we got in the Territory.
 Q Well, where did you first strike the Cherokee Nation? A Right
 up there on the line south of Chetopa.
 Q Which way did you come? Come by Virginia? A We came on the
 Neosho River.
 Q Did you come by Virginia? A No, sir.
 Q How else did you come? A Came right down the Neosho River
 all the time till we struck the Territory line there.
 Q Then how did you come? A We went up by the creek after we
 struck the line and stopped.
 Q You stopped just inside the Cherokee Nation? A Yes, sir.
 Q Up there on Russell Creek? A Yes, sir.
 Q In the spring of '86? A Yes, sir.
 Q What month? A I don't know exactly as I can name the month.
 Q How long did you stop up there? A We stayed all the summer of
 '86.
 Q What did you do in the fall? A In the fall we moved to
 Horse Creek.
 Q What time in the fall? A Tolerably late in the fall, I
 don't know the exact date of it.
 Q You say you heard of a fight in the fall of '87? A Yes, sir.
 Q Where were you living at that time? A Living at the mouth of
 Horse Creek, living on Grand River.
 Q How many fights did you ever hear of along about that time?
 A That is the only one.
 Q You never heard of anybody being killed up there except that?
 A Not that year I don't think I did.
 Q Now are you positive about that? A I think that is the only
 fight I heard of.
 Q You had simply heard of it, that is all, is it? A Well,
 as the troops in there was a great deal of trouble, besides the
 some that were killed.
 Q What was the trouble about? A Well, there was some
 about the land taken over from the Indians, and some
 about the money.

Arkansas? A Yes, sir.

Q Federal troops? A Yes, sir.

Q Don't you know there were not any troops at Van Buren in '67?

A I don't know anything about it.

Q You say the troops all right, did you? A I did.

Q How many? A Seemed to me like about 30 or 35.

Q White or colored? A White men.

Q Who commanded them? A I don't know that.

Q Where did you see them? A I saw them at my house on Horse Creek.

Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.

Q When did you first know about this fight, that it was in '67 that that fight occurred? When was that first called to your attention Mr. Trott, since this Freedmen's Court has been in operation?

A No, sir, I have heard of it all along.

Q I know, but have known a good many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don't know, I have heard it talked about ever since then.

Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.

Q That has been 35 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.

Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.

Q What time? A I don't know the month, but it was way late in the fall.

Q Were you in the army? A I was.

Q In any fights? A Yes, sir.

Q Where? A Prairie Grove, Arkansas.

Q That the only fight? A That is all.

Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1863.

Q '63? A Yes, sir.

Q You don't mean that? A Yes, sir, '63 I meant to say.

Q The winter of '63, was it before Christmas or after Christmas?

A I guess it must have been after Christmas.

Q Was that in '62 or '63? A '63.

Q What month in '63? A I don't recollect the month.

Q Was that in the first part of '63 or the last part of '63?

A I can't tell you exactly.

Q You can't put it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.

Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63, was it the first part of '63 or the last part? A I think it is in the first part.

Q You are satisfied of that? A I am not satisfied of it positively.

Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I don't know about that Horse Creek fight because I was living there.

Q You were in the Prairie Grove fight, and still you know more about the date of the Horse Creek fight than that? A The other hand I have been there for a long time.

Q There has been some three years difference.

G. W. CLARKE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A. G. W. Clarke.

Q. What is your age? A. My coming birthday, I will be 38.

Q. A citizen of the Cherokee Nation by blood? A. Yes, sir.

Q. You lived in the Cherokee Nation before the war? A. All my life.

Q. You were in the army, were you? A. I was in the northern army.

Q. Where were you mustered out? A. I was mustered out in Fort Gibson on the last of May, in 1865.

Q. Where did you live the rest of the year of 1865? A. I lived on the river.

Q. Grand River? A. Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q. Where did you live in the year 1866, make a crop?

A. I made a crop on what is known as the Ellis McDaniel place on the west side of the river, it is commonly known as the Adair place now.

Q. Did you make a crop on the same place in '67? A. No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles, going around by the river made it about 15 miles.

Q. Was the place you moved to farther up on Grand River than where you had been living in '66? A. Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q. After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek? did you hear of the circumstances? A. Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect, it was early in the fall.

Q. Where were you living when you heard of that incident?

A. I was living in the Six Mile Bottom in the fall of 1867.

Q. You know Tobe Bean the applicant? A. Yes, they are neighbors of mine, have been for a long time, Art Bean, very good men, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A. I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q. You don't remember whether anybody was killed in the fight you heard about? A. No, sir, it has been so long ago.

Q. It was right hard to remember about a fight at that time?

A. Yes, sir.

Q. Have a good many? A. Yes, sir, a plenty.

Q. You don't know which fight that is you are talking about?

A. That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A. Yes, sir, I was in the northern army.

Q. Did you hear about that place on Horse Creek this fight occurred?

A. I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Commissioner: You don't know anything about that fight of your own knowledge at all? A. No, sir, only just what I heard.

Q. After you got through with your fighting at wouldn't amount to much as a fight either? A. No.

T. J. MONROE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A T. J. Monroe.

Q How old are you? A 48.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q You were born before the war? A Born in 53.

Q Where did you live before the war? A Lived on the line of the Osage and the western line of the Cherokee Nation, near the Osage lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A A place known as the Boxer place on the Grand River, east of Grand River, in Delaware district.

Q How far was that from Horse Creek? A It was ten or 12 miles.

Q Do you know whether the old Knight place was on Horse Creek?

A Yes, sir.

Q How far did you live from that? A It was about ten or 12 miles I think.

Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

Q Ketchum precinct? A It is about, I would think about 15 or 16 miles, 15 or 18.

Q When did you move to that place after the war, in what year?

A Sometime in February, 1866.

Q February of 1866? A Yes, sir.

Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A Yes, sir.

Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.

Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.

Mr. Mellotte: Where were you living at that time? A That I heard of this fight?

Q Yes? A On the Stand Waite place, on the west side of the Grand River.

Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.

Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q Was it before Christmas or after Christmas? A I think it was after Christmas.

Q That is the time you went it to stand? A Yes, sir.

Q Where did you move from? A From the west side of the river, from the Boxer place.

Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.

Q What year did you move to the Boxer place? A In '66.

Q What time in the year? A I think it was in February.

Q Where did you move from? A We came from the Cheater Nation on Red River.

Q When did you come? A I stayed a while right on the line of Missouri.

Q When did you come from the Cheater Nation? A We left the Cheater Nation sometime in the latter part of October, I think.

Q What time? A '68.

Q You couldn't be mistaken? A No, sir.

Q Then there is such a thing as remembering dates, I suppose?

A I have something to remember by.

Q You didn't have to get back home by '64? A No, sir.

Q There wasn't anything to impress it on your mind? A If you will

let me explain, we lived right on the same place with Joel Bryant, on the same farm, he was a Major General, or something, in the Confederate army. He came home during the summer, I think in June, and took his family and started to old Mexico, and then we sold our crop in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '52, I was 13 I believe in '65.

Q About 13 years old? A About 13 in '65 I think, if I am not mistaken.

Q And still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1865 and came up here and went on to the Boxer place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Stand Waite place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes, when did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 36 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told us about this fight, did you hear of this fight up here and a lot of them people getting killed; I remember it well, guessing about who done the killing, they didn't call any names, but referred to them by the "red face" fellows.

Q You remember 36 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have any? A I think about 15.

Q Can you remember every time a man has brought a horse to you since 1866? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had turned one year on the Boxer place? A Yes, sir.

Q What did you farm with? A A little pork or stags.

Mr. Hastings: What position do you hold now, if any? A Senator in the Cherokee Nation.

Q You are a senator from Kansas? A Yes, sir.
Q You have been senator before? A Yes, sir.
Q Been Sheriff of your district? A Sheriff one time and senator two terms.

Mr. Hastings, I desire to offer this testimony in the Arthur Bean case, D-212; Joseph Bean, D-213; Lucy Bean, D-220; Lewis Martin, D-222; and Fannie Hight, D-207.

Bruce D. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce D. Jones
Sworn to and subscribed before me this 12 15th of August, 1901.

[Signature]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 18th 1901.

Bellette & Smith, Attorneys for the Applicant.

W. W. Hastings, Cherokee Attorney.

In the matter of the application of Allie Martin for the enrollment of himself as a Cherokee Freedman; he being sworn by Commissioner T. B. Hedden, testified as follows:

- Q What is your name? A. Allie Martin.
Q How old are you? A. 21.
Q What is your birth place? A. Cherokee.
Q In what district do you live? A. Cherokee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled with yourself? A. No one.
Q Are you married? A. No sir.
Q Have you ever applied to be enrolled as a Cherokee freedman of any other tribe or nation? A. No sir.

By Mr. Smith-

- Q Who is your father? A. Lewis Martin.
Q Where does he live? A. 2 miles North of Moore.
Q What is your mother's name? A. Sarah.
Q Do you know John Martin? A. Yes sir.
Q Is he your brother? A. Yes sir.
Q Do you know Fred Martin? A. Yes sir.
Q Is he the applicant who made an application just before you did? A. Yes sir.
Q How far and in do you live from him? A. 2 miles.
Q Who do you live with? A. My father.
Q How long have you been living there? A. 10 or 12 years, somewhere
along there.
Q Do you remember where you lived before you lived there? A. At Vinita.
Q How old do you say you are now? A. About 21.
Q Do you remember where you lived before you lived in Vinita? A. No sir.
Q Just do remember of being at Fair Creek.
Q Are you at any of the Cherokee trails? A. Yes sir.
Q Born Clinton Hill? A. Yes sir.

Kern Clinton Hill examined and the name of applicant found therein.
Page 150 No 3017 Allie Martin, Cherokee.

Wallace Hill examined and the name of the applicant found therein.
as follows: Page 151 No. 2746, Albert Martin, Cherokee.

By the Court-

- Q But your proper name is Allie is it? A. Yes sir.

By Mr. Hastings-

- Q How old were you when you came from Moore? A. 6 years old.
Q How long ago? A. About 12 years.
Q How long ago? A. About 12 years.

Allie Martin 2.

Applicant not found on the 1880 and 1890 rolls.

My Com'r Needles.

Allie Martin applied for citizenship he cannot be identified on the enumerated roll of 1880 or the census roll of 1890; he is identified on the Burn Elston and Wallace rolls; he swore that he is the son of Lewis Martin who has since been listed the applicant on Freedom St. Card No. 1, and the testimony given in said card is hereby referred to and will be made a part of the record in this case and a copy thereof filed herein. The said Allie Martin will be listed for enrollment as a Cherokee Indian on a special card and will be notified as to the final result of said.

Chas. von Meise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Meise

Subscribed and sworn to before me this 10th day of May A.D. 1901 at Nowata, P. T.



Notary Public

N.F.D. 658

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

..... day of ~~18 1901~~ 1901.
.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A.D. 1901

.....
Subscribed and sworn to before me
this day of A.D. 1901.

.....
Notary Public.

Filed SEP 18 1901

NOTICE!

IN THE MATTER OF the application of Allie Martin
for enrollment as a Cherokee citizen:

Case No. D. 65B

To Allie Martin or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory Indian Territory, on Oct. 3d 1901 at 10 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L. B. Bell
M. W. ...
Attorneys for the Cherokee Nation.

Filed with Cherokee Freedman, D-658, Allie Martin.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Winnia, I.T., October 3, 1901.

In the matter of the application of Lewis Martin et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Apparances:

Medley & Smith, attorneys for the applicant;
W. F. Hastings, of counsel for Cherokee Nation.

LEWIS MARTIN, being duly sworn and examined by Commissioner
Brookmire, testified as follows:

Q Give me your full name? A Lewis Martin.

Q How old are you? A I can't tell my age at all.

Q Well, are you 60 or 65 or 70? A Well I don't guess at it,
but then that would not be correct, but I think I am somewhere along
about 60 or 70. I don't know.

Q What is your present place? A Harding, Kansas.

Q What is your occupation? A Well, when I am home I am a farmer.

Q Where did you live before the war, Mr. Martin? A I lived right
on the Grand River close to Chouteau Station, raised there.

Q Did you know a colored man before the war, by the name of
Lewis Martin? A Well, I heard of his name but I knew his parents all
right, his father and mother, but then to say well acquainted with
him, I never got well acquainted with him till he came up here to
Kansas.

Q You don't mean here to Winnia? A No, sir, up in Kansas I am
acquainted with him.

Mr. Hastings: Well, what was his father's name? A His name was
Harry.

Q What was his mother's name? A Celina.

Q Well that is the man I want to talk about; when did you know
him in Kansas? A Well now there is something that I don't know right
exactly, but I knowed him ever since I was here in Kansas, and I have
been up in Kansas ever since '62, and I knowed him from then.

Q Who was he living with when you knew him then? A Why he was liv-
ing with his father and mother I think, right then.

Q That was he doing? A Well now I can't tell you exactly what
he was doing right then, but he learned the blacksmith trade then
after that; I can't say right then, but he learned the trade of a
blacksmith.

Q What place in Kansas was that? A It was just right above,
about a mile from Mapleton I reckon, I don't suppose it would be any
farther than a mile from Mapleton.

Q About what time did he leave Mapleton? I mean with reference to
the war? A You that is something I don't know.

Q Was it before or after the war closed? A I don't know when
he left there at all; he bought a place there right close, not very
far from Mapleton, and he raised one crop on it and he sold it out
and went up to Ottawa.

Q Ottawa, Kansas? A Yes, sir.

Q Did he marry around Mapleton? A Yes, sir, he married right
there not far from Mapleton, I knew the folks, the woman's father
and mother, well the mother anyhow, I knew her well after he married
her daughter.

Q Well, did you ever see him up at Ottawa after that? A I saw
him there once after that.

Q Well about how long after that? A Now sir that I can't tell

how long it was that I saw him there.

Q Was your son married? A He son was married then.

Q Where was he living? A He was living with me when he got married, and then he moved up to Ottawa, and he wasn't there very long before his money took sick and wrote for his mother to come and she went and she didn't come back quick as I thought she ought to come back and I went after her, and I went up there and I goes over to his house.

Q Goes to his house? A Goes to Mr. Martin's house.

Q Well, Martin living there? A Yes, sir, he was living there.

Q Did he have his family there? A Yes, sir.

Q You know what he was doing up there at Ottawa? A Well, he was a farmer there, renting.

Q Well, now how old is your son's oldest child? A Well now sir that is something I can't tell you.

Q Well about how old is it? A That is something I don't know the age of nobody, I can kinder guess at his age, he was born 2 years after I came to Kansas, my boy.

Q I am not talking about your boy, I am talking about his child?

A Well I can't tell nothing about his child's age at all.

Q His boy grown? A He isn't grown, but then he is a good size boy, I can't bear him since he was just about so high (indicating) and came off here to the station.

Q You don't have no idea when the child was born, as much as 18 years old? A Well, he may be somewhere along 18 or 14, but I can't tell exactly, but he is a good sized boy, I reckon he is pretty near large as me now.

Q Now what is your best judgment as to the age of that child; have you got any judgment at all? A I have judgment, but I can't tell how old he was.

Q I am not asking you the date, what is your best judgment as to his age? A If I knew how old it was when I went up after my wife I could tell pretty near the child's age, but I can't.

Q Well, about how long do you think that man had been away from Mapleton, up to Ottawa, when you went up there, had it been a few days or a few months, or how long? A Well, it had been more than a few days, because he had raised one or two crops up there, and maybe more for all I know, I don't know at all, you have got me to something I don't know, but I know he lived there, that is all I can tell you.

Q And you know he was living there when you went up there? A Yes, sir, because I went to his house.

Q And that was after he was living down at Mapleton? A Yes, sir.

Q Did you ever see him back down to Mapleton after that? A No, sir, I don't recollect seeing him back there anymore at all, he might have come back on a visit, but that I don't know, but when I saw him again I saw him here.

Q When was that? A Well, it was the year that Mr. Wallace's roll was made.

Q Where did you see him? A I saw him out in the country here to a place where he farmed.

Q You know how long he had been here then? A I just know he had been here, made one crop I think.

Q Well, did he tell you that or not? A Well he took me right down and showed me his crop he made.

Q Did he say how long he had been here and where he came from?

A He said he had come from up there here.

Q Did he say when he had come from Ottawa or how long he had been from Ottawa here? A He didn't say how long he had been, but he had just made one crop when he came here.

Q Now do you know he made one crop? A I don't know; he said so

and showed me his crop.

Q Now do you know he just made the one, is what I am trying to get at, and not made any more than one? A I don't know that, only he said his stepson made one crop - till he was home where he lived, he said his stepson, he sent him down here to make a crop and then he came, he said his stepson made a crop here and then he came and made one, that is what he told me, that is all I know.

Q That was while the Wallace court was here? A Yes, sir, first time I saw him I came down to the Wallace court.

Q Have you any idea when Wallace made that roll, do you know anything about that court? A No, sir, I don't.

Q Don't have no idea about it at all? A No, sir, don't know a thing about it, only he made that roll.

Q You know he made it? A Yes, sir, because I came and signed that roll.

Q Where were you living at the time? A I was living up there on Timber Hill, Bourbon County.

Q Kansas? A Yes, sir.

Q Near Mapleton? A Yes, sir, I know where I was living all right.

Mr. Smith: Now, Lewis, all you know about it is that you know that at that time Lewis Martin lived up there in Kansas? A Yes.

Q You don't know the year? A No, sir, I don't know the year at all.

Q When did you first go to Kansas? A '55.

Q Where did you go from? A Went from the Cherokee Nation, went from down near at Shawnee Station.

Q There wasn't any Cherokee Station then in '55? A No, sir, it has been put there since, I lived there, I was raised there.

Q Do you know where Lewis Martin was in the year 1865? A No, sir, I don't know the meaning of that '65 any more as a sucking baby, I don't know the meaning of '66, when that man told me that I came here in '62, that is how come I say I come here in '62, he said I come here in '62 because I came here a soldier.

Q Where were you living in 1862? A Well I give it, went up to Kansas, in that time, and lived up there close to Mapleton in '62 when this man told I came out in '62, I don't know when I came, he said it was '62 because he was down there.

Q Now do you know when Lewis Martin got married? A I know he got married up there but I can't tell what.

Q Do you know whether it was before the war or after the war or during the war? A He got married, might have been about the time the war came on or maybe after, I don't know now.

Q Well, do you know where Lewis Martin was when the war closed?

A Well, when the war closed, he must have been living right there close to Mapleton.

Q Not what he must have been, but what you know about it, what you saw and know yourself, do you know where he was when the war closed?

A I didn't say I knew that at all, but I know he was living there when I came, when I was living there he was living there too, it must have been while the war was going on that he lived there, but after that I know he lived there and went up to Ottawa you know.

Q Do you know where he was in the fall of '65? A No, sir, it isn't any more use for you to ask me about '65, not bit more than a baby, because I don't know.

Q Do you know where he was during the year after the war closed?

A I can't tell you that neither.

Q Don't know? A No, sir.

Q You know anything about as to whether he got into a fight or killing or was down here at the Cherokee Nation shortly after the war?

A I never heard of him casting into any fight or killing.

Q You were not in 1865, no, sir.

Q Then did you ever come down to the Wallace court, where was

- 4 -
Lewis Martin living in the Cherokee Nation, near what place? A Why I don't think it was more than a mile, maybe, or maybe more than a mile right out over this way, from Vinita.

Q A mile from Vinita? A I don't think it was over a mile, it might have been and might not, but it wasn't very far.

Q Did you go out to his place? A Yes, sir, I went out to his place.

Q How did you go, ride or walk? A I think I went in his wagon I think, I don't know for certain how I went out but I went there all right, went right to his house.

Q For don't know how many different places Lewis Martin has lived in the Cherokee Nation, do you? A Well, I don't know of him living at but just one here, and then when he left here he went out and bought a place, I understand, went out and bought a place.

Q You don't know anything about where he is living now? A No, sir.

W. D. WYCK, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, please? A W. D. Wyck.

Q How old are you? A I am 34 years old.

Q What is your residence? A Mapleton.

Q Kansas? A Yes, sir.

Q You live in Kansas? A Yes, sir.

Q What is your business? A Farming, stock raising.

Mr. Hastings: Mr. Wyck, do you know a colored man by the name of Lewis Martin? A Yes, if he is the man we located, I once knew a man by the name of Lewis Martin.

Q Did you know his father? A Yes, sir.

Q What was his name? A Harry.

Q Where did you know him? A I knew him there about Mapleton on my place.

Q Were you intimately acquainted with him, know him well? A I ought to.

Q Just tell the circumstances, all you know about him? A Yes, sir, I was intimately acquainted with him.

Q Did he work for you? A Yes, sir.

Q Now about what length of time did he work for you? A Well I think it was about a couple of years.

Q Through what period of years? A About '83 and '84.

Q What did he work for you at? A Blacksmithing.

Q He learned the blacksmith trade there? A Yes, sir, he learned that while he was quite young, he was the youngest of the family, and his oldest brother, Bill, was a blacksmith, and I was running a shop there and they were doing the work for me.

Q Do you know where Lewis was married? A Well, I wouldn't say that I do, he married there but it is kind of a dread, I am not positive, of course I was well acquainted with him, but it has been so long and not paying any attention, I would not be positive that I know.

Q Do you know where he went from Mapleton? A To say I know, I don't, but the report was that he went to Ottawa, and he told me afterwards he lived at Ottawa, that is as near as I can explain it to you.

Q About how long afterwards did you see him? A Well, it must have been five or six years afterwards that I saw him.

Q Now do you mean that that was five or six years after he left Mapleton? A After he

Q Now about when do you think he left there, about what years? A Well I am I tell what year he did leave there.

Q Well, with reference to the close of the war? A Well, it must have been a couple of years after the close of the war that he went to Ottawa. He and his father stayed there either as long as two years after the close of the war before he went to Ottawa.

Q. Now when you saw him five or six years after that after he went to Ottawa? A. Yes, sir.

Q. And he told you he was living there at that time? A. At Ottawa.

Q. Did he tell you he was living there at that time? A. No, sir, not as I know of.

Q. Did he tell you he was living there at that time? A. Yes, sir.

Q. And he told you he was living there at that time, say between '75 and '77? A. Yes, sir.

Q. Where was that? A. I was in the Rocky Mountains.

Q. Did you remember his mother? A. Lewis' mother, Celia.

Q. Did you know her, to identify him? A. Yes, sir.

Q. These are you see him the five or six years after he left Mapleton that you speak of? A. I saw him between my house and Mapleton.

Q. And just before him on the road and merely addressed him and asked him some few questions. I don't know what, in regard to where he was, in the kind of a stranger when you know, he told me he was living at Ottawa.

Q. Did he tell you what he was doing? A. I don't know, I think that he was running a blacksmith shop.

Q. You are not positive about that? A. No, I wouldn't be positive.

Q. Did you ever see him after that? A. No, sir, I never saw him after that.

Q. You say that during the last year or two he worked for you in a shop? A. Yes, sir.

Q. What were you doing, Mr. Myrick, along the closing years of the war? A. What I was running a mill there and was making them for the government, I sold them to the government locally, and I run a blacksmith shop in connection with my business there, and I had these fellows employed for the purpose of shoeing horses and doing all kind of blacksmithing, we lived right on the trail from Fort Gibson to Lebanon.

Q. And Will Martin was Lewis Martin's brother and lived with him? A. Yes, sir.

Q. What was Will Martin's wife named? A. Seattle.

Q. Now, Mr. Myrick, I believe you stated it was in '65 or '66 that this man was working for you? A. Yes, along about that time.

Q. Well, where was he in '65? A. I wouldn't be positive where he was, to the best of my knowledge he was around Mapleton there or had gone to Ottawa, I wouldn't be positive.

Q. Tell you you don't know then where he was in '65? A. No, I can't say where he was in '65.

Q. Where was he in '65? A. I don't know, sir.

Q. You know what year it was that he went to Ottawa? A. No, sir, I don't, to say what year it was that he went to Ottawa, I don't.

Q. About what year was it that you last saw Lewis Martin? A. That I saw him last, last year.

Q. How long has it been? A. After I saw him coming from Ottawa, as it must have been five or six years afterwards.

Q. Five or six years after the close of the war? A. Yes, sir, must have been five or six years after the war.

Q. You haven't seen him in that country since? A. No, sir.

SWORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Needles: What is your name? A. Smith Swing.

Q. Where do you live? A. I am going to St.

Q. Where do you live? A. Ottawa.

Q. How long have you been living at Ottawa, Kansas? A. Well, there

Q. How long have you been living at Ottawa, Kansas? A. Well, there

Q. How long have you been living at Ottawa, Kansas? A. Well, there

Q When did you first become acquainted with him, first see him there? A In '67.

Q Did you go to Ottawa in '67? A Went there in March.

Q After you went there was it before you saw Lewis Martin? A Yes, May one, I got not certain which one, it was along in April or May.

Q A short time after you went there? A Yes, sir.

Q Was living, do you know his wife? A Yes, sir.

Q What was her name? A Sarah.

Q Do you know any of his children? A Well, yes.

Q You remember any of their names? A Yes, sir.

Q What was their names? A One was named John, and George.

Q What was Martin doing when you knew him in Ottawa? A Black-

smithing. Q How long did you know him there? A I knew him four or five years there, maybe longer, I don't know exactly the time that I did know him, I can't just swear to the time, but it was five or six years I was acquainted with him there.

Q Do you know where he went when he left there? A No, sir, I don't.

Q You say he was a blacksmith? A Yes, sir.

Q Did he have a brother, or do you know? A No, he didn't have any brother there.

Q Did he have a father, or do you know that? A I don't know that, I wasn't acquainted with his father.

Q Were you acquainted with his mother? A No, sir, never seen her.

Q You know where he went from there? A No, I can't say where he went, I know where he said he was going.

Q Did you ever see him after that? A No, I haven't seen him since, I haven't seen him for quite a number of years.

Q Now during the four or five or six years that you saw him at Ottawa, was he there continuously during that time? A No, he was away some of the time.

Q Where was his family? A His family was out on a farm.

Q Did they live there during that time? A Yes, they lived out on the farm.

Q Well, did you see him at frequent intervals during that period or times? A Well yes, sometimes I would see him every three or four weeks, sometimes it would be longer, but then I often would see him, you know Martin was a man that didn't run around very much, anyhow.

Q You say he didn't run around? A No, sir.

Q What did you mean by saying he was away some? A There would be times that he would be gone, I don't know where he was gone.

Q For about how long at a time, how long would you miss him any considerable time? A Sometimes I wouldn't see him for a month or so, he was out in the country, out on his farm.

Q Out of town? A Very out of town, I wouldn't know where he was.

Q Well, you don't know of your own knowledge? A No, sir.

Q Only you didn't see him? A No, I wouldn't know where he was only I didn't see him.

Q How far did he live in the country from Ottawa? A Part of the time it was ten miles.

Q That was along there for up for four or five years after '67?

A Yes, it was after '67.

Q From that date to this you have never seen him? A No, sir, I have never seen him.

Q Commissioner, you say you first saw this man in '67? A Yes, sir.

Q Where did you live in '67? A I lived at Ohio City.

Q Where? A What was south of Ottawa.

Q State of Kansas? A Yes, sir.

Q You know where Martin was in '67? A No, I don't know where he was in '67.

Q That brings it to your mind that it was '67 that you saw him? A Yes, I moved to Ottawa in '67.

Q Was that that? A Yes, sir, and there is where I saw him.

Q You recollect dates do you? A Yes, I recollect dates, yes.

Q What year is this? A It is 1890.

Mr. Hastings: Is this the year 1890? A Yes, sir.

Q Even so, it is nineteen hundred, I don't know whether you call it even or not; you know I am no educated man.

Commissioner: Where were you living in 1886? A Ottawa.

Q You been living there ever since 187? A Yes, sir.

Q Living there now? A When I am at home that is right where I live.

Q Your family there? A My family is all dead; well I have no family of my own now.

Mr. Hastings: Do you know what year the war commenced? A Yes, sir.

Q What year? A 1861.

Q What year did it close? A 1865.

Q How how long after the war closed before you went to Ottawa?

A Why I went to Ottawa in 1867.

Q I want to know how long that was after the war closed? A After it closed, why two years.

D. J. HESSONG, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A D. J. Hesson.

Q What is your age? A I am 51 years old.

Q What is your postoffice? A Mapleton.

Q Kansas? A Mapleton, Kansas, yes, sir.

Q How long have you lived there, Mr. Hesson? A I have lived there since '57, have lived there about 44 years.

Q Do you know a colored man by the name of Lewis Martin? A I did.

Q Where did you know him? A In Mapleton, Kansas.

Q What occupation, if any, was he following? A He was running a blacksmith shop when I knew him.

Q Do you know where he came from up to Mapleton? A I do not.

Q You never heard him say? A Never heard him say.

Q You don't know where he had lived before he came there? A I think he came from Ottawa, because I know he went back to there a time or two during the time that he was at Mapleton, and he said he was going on a visit.

Q Do you know about what year he came there to Mapleton? A It must have been about '76, something like that, among there.

Q About how long did he stay there? A Well, when he came back there I am pretty sure it was in '76 and in '77 I went east and when I came back I don't remember whether he was there then or not, but I know he was there a couple of years, if I remember right, two or three years, something like that, I don't remember whether he was there when I came back or not.

Q When did you come back? A I came back that fall and winter, winter of '77.

Q Did you know Martin's wife? A Yes, sir.

Q What was her name? A I believe that they called her Sarah, or something like that; there was two women stayed with him part of the time he was in Mapleton.

Q Did you know his brother? A Well?

Q That is what I am trying to find out? A Yes, I think there was another Martin named Will Martin, said they were brothers.

Q What was Will Martin's profession? A Blacksmithing.

Q Did you meet Lewis Martin's father and mother? A Don't believe I did, no.

Q Did you ever know Lewis Martin before you knew him when he came there in '76? A No, sir.

Q Well, was his family with him when you knew him there in '76?

A Yes, sir, she lived right in town.

Q He worked in a blacksmith shop? A Yes, sir, him and his brother.

run a shop there in town.

Q You haven't seen him since? A I have not.

Mr. Smith: Mr. Haskins, you don't know where he came from when he came to Mapleton that time? A No, sir.

Q You don't know where he had been living before he came there?

A No, sir.

JOHN GROSS, being duly sworn by Commissioner Needham, testified as follows:

Q What is your name? A John Gross.

Q How old are you, Mr. Gross? A 62.

Q Where do you live? A Mapleton.

Q Where? A Garrettsville, Ohio, yes, sir.

Q How long have you lived there? A I lived there since '88.

Q Did you ever know a colored man by the name of Lewis Martin?

A Yes.

Q What was his occupation, what did he do? A He was a blacksmith.

Q When did you know him? A Well I know him in about, let's see, must have been '75 or '76, right along there somewhere, of course I knew him before that but I wasn't acquainted with him, I knew of him.

Q You knew him before that? A Yes, but I wasn't acquainted with him at all.

Q When did you know him before that? A Well, when they first came, I don't know, probably it was along '62 or near that time there.

Q Did you know his father? A Yes, sir.

Q What was his name? A Well I don't know his name, don't recollect, he had a very old man, his father was.

Q You don't know his mother's name? A I did, but I can't remember it now, I think no, it wasn't Maria, I don't recollect it.

Q Well, did you know his brother? A William.

Q I am asking you? A Yes, I knew him better than I did Lewis.

Q Well, do you know how long you knew him after '62, or is your memory distinct about that? A No, you see he left there and he came back, I think it must have been '64 or '5 or '6, along sometime, and then he came back there and him and his brother run a blacksmith shop for probably a couple of years.

Q You know what became of him then? A No, I do not, in the spring of '77 I went to Colorado and I didn't get back till that fall, and he was gone.

Q Now when do you mean to say that he came back to Mapleton the last time? A Well, it must have been in '75 or '6.

Q Did he have a wife? A Yes.

Q Living with her? A Yes, sir.

Q You know whether he had any other family or not? A No, I do not.

A Well, have you ever seen him since? A No, sir, I haven't seen him since.

Mr. Smith: So, Mr. Gross, as I understand you, you knew this man then about '62? A Well that is what they first came there, I think about that, but still I wasn't.

Q Do you know whether he married there at Mapleton? A Not I do not, I don't know a thing about it.

Q Do you know whether he was a single man or a married man when you first became acquainted with him? A I think he was a single man when he came there.

Q Do you remember was he married in a couple of years after he came there or not? A He was married when he run a shop there, he was married and had a family.

Q That was when? A In '75 or '6.

Q But do you have any recollection as to whether he was married before the war closed? A No, I do not.

Q Well, now you missed him from there along about the time the war closed, did you? A Yes.

Q Now when did you first see him back there after the time that you

missed him? A I don't recollect of seeing him till he came there and went to work in the blacksmith shop.

Q Now about what year was it that you missed him away from there?

A I don't recollect, I didn't pay no attention to it at all.

Q About the time the war closed? A Why I suppose, yes.

Mr. Hastings: Do you have any distinct recollection about the first time you missed him from there? A No, I do not.

Q You wasn't well-acquainted with him then? A No, I wasn't well acquainted with him.

Lewis Vann, recalled by applicant, testified as follows:

Q You were on the stand this morning in this case, were you, Mr. Vann? A Yes, sir.

Q Now then, did I understand you to say that you never heard of that fight that I asked you about this morning in 1866 in the Cherokee Nation, the Horse Creek fight? A No, sir, I don't know nothing about that.

Q Didn't you have a kinsman that was killed down there about that time, somebody that was kin to you? A Oh, I know that all right.

Q Who was that? A Wesley Vann.

Q Well, when was he killed? A He was killed the year after the war closed, he went down there and got killed and that kept the balance of us from coming.

Q Were you alone? A No, sir, I wasn't, but then I was going after he got there and wrote back, but then he got killed.

Q Then I Lewis Martin with him? A I don't know sir, that is something I don't know.

Q Who was he with, who did this man leave with, this kinsman? A He left with another brother in law of mine.

Q What was his name? A Charley Burgess.

Q Who else? A Charley Burgess and Wesley Vann, they was only ones kin to me.

Q Who else that wasn't kin to you? A Then there was some there by the name of Gilbert Vann and Gilbert Daniels.

Q Who else? A Well, there was a young man along by the name of I can't think of his name now, he got killed too, one of my fellow servants' sons, lived on the place with me, he got killed.

Q Was George Vann along? A No, sir, he wasn't along.

Q He wasn't there at all? A No, sir.

Q Where were you when these people left Kansas to come down here?

Q When they left sir I was up here in Kansas, up in Kansas, up to Mapleton, in southern part.

Q Did you stay there all the time? A Yes, sir, I hadn't been five miles from that place since I landed there, I reckon more than five miles anyhow.

Q Did you stay there during the time that these people came down here that you speak of? A Yes, sir.

Q Now don't you know Lewis Martin came down here, moved back here? A Of course he came down here.

Q When? A Well now that is something I can't tell you then, but I know he came.

Q Did he come at that time you are talking about? A Oh no, he was up there but he didn't come when the others came, because I know he was up there.

Q Didn't he come down here with Wesley Vann, didn't they leave together to come down here? A I don't know whether he came with Wesley Vann or not, I don't know anything about that.

Q You saw of it? A No, sir, I don't think he ever was with them.

Q Now did you say this morning that you never heard of that fight that I asked you about, I didn't understand about the killing of my brother is that right? A Yes, sir, I understand about the killing of my brother is that right? A Yes, sir, I understand about the killing of my brother is that right? A Yes, sir, I understand about the killing of my brother is that right?

Q Yes, sir, I understand about the killing of my brother is that right? A Yes, sir, I understand about the killing of my brother is that right?

Q Did anybody that left up there come back, any of the colored people? A Now sir that is something I don't know either because I know all the balance that was with them, they went on after they got killed, they went on.

Q Did any of those that left Kansas at that time come back to Kansas? A I can't tell you not a thing about that, sir, no, sir, I can't.

Mr. Hastings: You were not in the fight? A No, sir, I was at home in Kansas and just heard about it.

Q All you know about it is just what you heard? A Yes, sir, about they killing him down there and him never coming back.

Q I believe you testified most positively you didn't know a thing about dates this morning, didn't you? A Well, I don't.

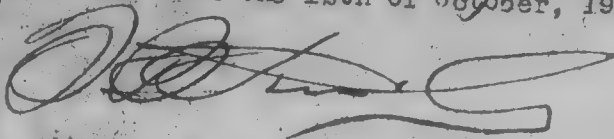
Q You didn't know a date this morning? A I don't know no dates about nothing about that but when anybody asks me about the name of anyone that I know of course I know them, but then to come to dates I don't know no more than a child.

Commissioner: Copies of this testimony will be filed with the testimony in Cherokee Freedman cases D-856, D-857, D-858, D-911, and D-940.

Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 12th of October, 1901.



Commissioner.

File with Cherokee Freedman p. 555, Allie Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 12, 1901.

In the matter of the application of Tobias Bean for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Mellotte & Smith, attorneys for applicant;
T. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.

Mr. Mellotte: I am going to offer some additional testimony.

Mr. Hastings: What for?

Mr. Mellotte: To show the date of what is known as the Horse Creek fight, out here.

Mr. Hastings: Comes now the representatives of the Cherokee Nation an object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure. Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellotte: What is your name? A. Mary Brown.

Q. How old are you, Mrs. Brown? A. I don't know my age exactly.

Q. Give an idea? A. About 60.

Q. Are you a Cherokee Indian by blood? A. Yes, sir.

Q. Recognized citizen of the Cherokee Nation? A. Yes, sir, I am.

Q. Where do you live? A. I live at what is known as the Rolling Ferry place on Grand River.

Q. How long have you lived on Grand River? A. About 17 years, down there.

Q. When did you return to the Cherokee Nation after the war, if you left it? A. We came home about three weeks before Christmas, in '65.

Q. Where was your home at that time? A. About one mile and a half north of Prairie City, that is the name of the place now.

Q. Is that a point up here close to Fairland? A. Yes, used to be just a depot up above Fairland near the road.

Q. Do you remember after you came home the circumstance or hearing of a body of colored people being attacked and some of them killed on Horse Creek? A. I do.

Q. How did you first learn of that? A. There was some news came to my house to stay all night.

Q. The news they? A. Minnie West and a lot of men.

Q. Did you learn from them anything about the colored people being killed? A. Yes, sir, they told us they had killed some negroes.

Q. How many were in that party? A. I can't tell you positively.

Q. About how many, or can you give an idea? A. About six, to the best of my knowledge, I never took no particular notice how many.

Q. Did you hear anything further about it after they came to your house? A. Yes, sir, two or three days afterwards we heard some colored people got killed.

Q. Where was that? A. Somewhere on the military road near Horse

Qreek.

Q Now far was that from your house? A About six miles.

Q Now when was that, Was. Brown, that French Vast and his crowd came to your house and you heard of this killing of the colored people? A Fall of '86, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you fix it as 1866? A Well, I came home as I saw in '86, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 26th day of May, in 1866, and this was the fall following.

Q Now, Hastings? Did you ever have any other children born? A Yes, sir.

Q When? A Different times.

Q Well, when was the next one born? A Next year, well I am not able to answer that.

Q Well, when was the next one born? A In 1868.

Q That was the second one after this one? A Yes, sir.

Q Then was the third one born? A I can't tell you that.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q Now do you know what happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the courts.

Q Where do you live now? A I live at the Bowling Ferry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '65.

Q When was the third one born? A The third one was born May 26, or what year? A In 1866.

Q When was the next one born? A I don't know that.

Q Now when was the fifth one born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the ninth one? A Well, I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelfth one? A I don't know, I can't count them, all of them.

Q Don't know? A No, sir, I am no scholar.

Q Where was Bob Knight living at that time? A I can't tell you just exactly.

Q Now far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.

Q And that was the distance, was it? A About ten or twelve miles.

Q Had you ever seen Roy Knight up to that time? A No, sir.
Q You wasn't over there at that time, the Knight place? A I had passed the road.
Q You saw these folks there? A No, sir.
Q You didn't see them? A No, sir, I can't call it.
Q You never saw any of these folks at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was hit? A Never was right at the place.
Q Was it over at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Lou Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Halliday: I want the testimony taken attached to Lewis Martin, B-229, and Arthur Dean. I don't know the number of that.

Commissioner: This testimony will be filed in these cases and the others to which it is applicable.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 25th of October, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winnipeg, I. T. October, 33rd, 1901.

In the matter of the application of Lewis Martin et al., G. P. D. 389

SUPPLEMENTAL TESTIMONY.

Appearances:

Walter B. Davenport for Cherokee Nation
Mallette & Smith for applicant.

H. G. HARFORD, being first duly sworn by Com'r T. B. Needles, testified as follows for the Cherokee Nation:

(By Davenport)

Q What is your name? A H. G. Harford.

Q How old are you? A 44.

Q What is your post office address? A Ottawa, Kansas, Franklin County

Q How long have you lived there? A Since June, '85--1865.

Q Since you have been living at Ottawa Kansas, did you become acquainted with a colored family named Martin? A Yes sir.

Q Do you know what any of their first names were? A I was acquainted with a man named Lou Martin.

Q What was his wife's name? A Sarah.

Q Did they have any children? A Yes sir, four boys, Will, George, John and Fred.

Q When did you first become acquainted with Lou Martin? A In '86 or '90.

Q Where were they living when you first became acquainted with them?

A They lived in the same block I did in Ottawa, on Poplar Street.

Q How long did they live there after you became acquainted with them?

A About four years.

(By Smith)

Q What was the oldest one of his boys? A Will.

Q Which is the next oldest? A John.

Q Which was the youngest? A Fred.

Q What did the old man do there? A He was a blacksmith.

Q Do you know that that is the same man that is applying for enrollment in this case? A I know that Lou Martin has applied.

Q How do you know? A From what I heard.

Q Are you swearing from what you heard or from what you know? A I have heard that he has applied.

Q I ask you if you are swearing from what you know or from what you have heard? A I don't know that he has applied, positively, I just heard he had.

Q Then you don't know positively that the man you are swearing about is the man that has applied or not? A No sir I don't.

Q You didn't know him until '86 or '90? A No sir.

Q Where did he come from to Kansas? A He came from Mapleton to Ottawa.

Q Where did you come from to Ottawa? A I came from Brown County, Indiana.

Q Did you ever live in Mapleton Kansas? A No sir.

Q Was Ottawa the first place you ever lived in Kansas? A Yes sir.

Q Have you never been away since you came there? A On 3 or 4 or 5 or 6 times--not at a time.

Q You have never seen Lou Martin since '90? Not since he left there.

Q When was that? A '78 or '8.

Q How long did you say he lived there? A I was acquainted with him four, five or six years.

Q Was he there what you got there? A No sir, three or four years after I got there in some time, maybe four or five years after.

Q Which was it, three or five? A I didn't keep any dates as to when he came, but it was from '85 to '90 some time along there when he

Some: I landed there in 1955.

This will be filed in Cherokee Freedmen Cases, D-229; D-656; D-257;
D-358; L-211; D-240 and

Chas. Von Fosse, being sworn, states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all the proceedings in the above cases and that the foregoing is a
full, true and correct transcript of his stenographic notes thereat.

Subscribed and sworn to before me this 24th of October, 1931

[Signature]

Notary Public

COPIES OF THIS REPORT TO THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED IN THE CASES
D-229
D-656
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D-358
L-211
D-240

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case; I landed there in 1855.

This will be filed in Cherokee Freedmen Cases, D-289; D-656; D-657;
D-658; D-911; D-940 and

Chas. von Feise, being first duly sworn states that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all the proceedings in the above cause and that the foregoing is a
full, true and correct transcript of his stenographic notes therein.

Chas von Feise

Subscribed and sworn to before me this 24th of October, 1901.

C. R. Beckwith

Commissioner.

File #12 Cherokee Freedmen 3-688, Allie Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I. T., October 25, 1901.

In the matter of the application of Tobiasa Bean et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants:

Appearances:

Mellett & Smith, attorneys for applicants;
F. W. Haskings, of counsel for Cherokee Nation.

N. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Q. State your name? A. N. B. Rowe.

Q. What is your postoffice? A. Rose.

Q. What is your age? A. 32.

Q. How long have you lived in the Cherokee Nation, Mr. Rowe? A. I have lived here all my life.

Q. Are you a Cherokee Indian by blood? A. Yes, sir.

Q. Were you out of the nation during the war? A. No, sir.

Q. Where were you, Mr. Rowe, in the year 1866? A. I was at my father's place.

Q. Where did your father live at that time? A. Lived in Saline district, Cherokee Nation.

Q. Did you know a colored man named George W. Vann? A. Yes, I know George.

Q. Which George is it you know? A. I know George Vann, lives on Spring Creek.

Q. Spring Creek George, sometimes called Spring Creek George? A. Yes, sir, Spring Creek George.

Q. Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A. Well, sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.

Q. Is there anything about the circumstances to make you remember the fight, was anybody killed in it? A. There was three men killed, I think, to the best of my recollection.

Q. What knowledge have you that they were killed? A. What knowledge have I?

Q. Yes, did you see them? A. Yes, I saw the dead men afterwards, saw bullet holes in them.

Q. Do you know whether they were buried or not? A. Yes, they were buried at Aunt Katie Williams place.

Q. Who were the men? A. Well I don't just recollect the names, but I think one was named Phil something, I heard the name of a fellow that I didn't know.

Q. Were they colored men? A. Yes, sir.

Q. Who helped to bury them? A. A whole lot of colored fellows buried them there.

Q. Can you think of those whose names you remember? A. There was George Vann, Eli Vann, George Vann, Joe Bean, and a good many men I can't recollect.

Q. How many were there you think there were besides those you mentioned? A. I don't know, I never counted them.

Q. Do you know what day or date that they after, whether any day was ever mentioned or not? A. No, sir, I never knew whether anybody was buried or not.

Q. Well, you know now that you speak of, what whether or not they were buried or not? A. I don't know, I never counted them.

Mr. Hastings: You are not positive, are you Mr. Howe, as to the
 year? A That is the best of my knowledge, that it was 1865.
 Q That is just the best of your judgment? A Yes, I am pretty
 sure about it. It was 1865.
 Q What time of the year do you think it was? A Along in the summer.
 Q Do you know what place on Horse Creek this fight occurred that
 you speak of? A No, I don't know where it occurred or nothing about
 it.
 Q Know whether it occurred at the Old Knight place? A No, sir. I
 don't know where it occurred.
 Q How old were you then? A I guess I must have been 15 or 16 years
 old.
 Q Just a lad of a boy? A Yes, sir.
 Q You hadn't been out during the war? A Out of the Cherokee
 Nation, but wasn't out of it.
 Q There was no duty to mark your return by? A No.
 Q How far did you live from Horse Creek? A I expect it must be
 about fifty or sixty miles.
 Q You were not in there when the fight occurred? A No, sir.
 Q You even testify to these circumstances before? A No, sir.
 Q You were never called upon to testify on the date before? A No, sir.
 Q You were not arrested for it? A No, sir.
 Q Have any interest in it? A I wasn't interested any way at all.
 Q You were not taken together with for it? A No, sir.

Commissioner: This testimony will be made part of the
 record in the case of No. 1, and in Nos. 2, 3, 4, 5, 6, 7,
 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Specs. A. Jones, being duly sworn, says that he stenographer to
 the Commission to the Five Civilized Tribes he correctly recorded the
 proceedings and testimony in the above case, and the foregoing is a
 true and complete transcript of the stenographic notes thereof.

Sworn to and subscribed before me this 9th of November, 1901.

[Signature]

E

Commissioner

CO
CL
K

A Yes, sir.
 Q Mr. Harlings: You are not positive, and you Mr. Rowe, as to the year? A That is the best of my knowledge, that it was '88.
 Q That is just the best of your judgment? A Yes, I am pretty tolerably certain about it, it was '88.
 Q What time of the year do you think it was? A Along in September.
 Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.
 Q Know whether it occurred at the old Knight place? A No, sir, I don't know where it occurred.
 Q How old were you then? A I guess I must have been 16 or 17 years old.
 Q Just a lad of a boy? A Yes, sir.
 Q You hadn't been out during the war? A Out of the Cherokee Nation, no I wasn't out of it.
 Q There was no date to mark your return by? A No.
 Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.
 Q You were not up there when the fight occurred? A No, sir.
 Q You ever testify to these circumstances before? A No, sir.
 Q You were never called upon to remember the date before? A No, sir.
 Q You were not arrested for it? A No, sir.
 Q Have any interest in it? A I wasn't interested any way at all.
 Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and in D-212, D-215, D-220, D-207, D-228, D-256, D-257, D-358, D-311, D-340, and D-341.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 9th of November, 1901.

Bruce S. Jones

Commissioner

RECORDED
 INDEXED

To be filed with C. F. D-222.

R

C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter
of the application of Tobias Bean for the enrollment of himself,
wife and child as Cherokee citizens.

APPEARANCES:

Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys
for the applicants;

W. W. Hastings, of attorneys for the Cherokee Nation.

C.D. MARKHAM, being first duly sworn, and being examined tes-
tified as follows:

BY MR. MELLETTE:

Q What is your name? A C. D. Markham.

Q Where do you live? A At Tahlequah, now.

Q How long have you lived in the Cherokee Nation? A All my life
except during the war; I went south on Red River.

Q Are you a Cherokee citizen by blood? A Yes, sir.

Q Where were you in the fall of '66? A I was up here at Grand
River, Locust Grove.

Q What were you doing? A Selling goods.

Q Who were you selling goods for? A Why I and my brother and an
old man named Elliott from Kansas were interested in the store.

Q During that summer or fall did you learn anything about a
fight up on Horse Creek? A Yes, sir, sometime to the best of my
recollection about the last of September in 1866. That was when a
young darkey came into the store and wanted to get something out of
the store and said they had a fight up at Horse Creek, and there
was a shot darkey in the wagon, the wagon stopped one hundred and
fifty yards from the store out in the road; I don't remember how
many wagons there was.

Q Was there more than one? A Yes, sir, I think there was as many as
three.

Q Where did he say the fight had occurred? A Up about Horse
Creek somewhere.

Q After he told you about the fight up there did you hear anything
more about it? A Very little, because soon after that I went to
Texas, and was gone about six weeks.

Q Now that was in '66 you said? A Yes, sir, I know it was '66.

Q Now you say there was a man by the name of Elliott in the store
where you were working? A Yes, sir.

Q What became of him? A Well while I was gone to Texas he was
killed and robbed there two miles and a half from the store,
on the Orphan Asylum road, and when I come back his son had taken
the goods and gone back to Kansas; the store was broke up.

Q You went to Texas in '66? A Yes, sir, about the first of October,
is my recollection, and I came back sometime in November.

Q And in the meantime this man Elliott had been killed? A Yes, sir.

Q After you came back from Texas did you hear anything further about
the fight on Horse Creek? A Nothing, only just rumor.

Q That there had been a fight? A Yes, sir.

BY MR. HASTINGS:

Q You don't know any of the parties engaged in it? A No, sir, I
don't remember those.

Q You don't know either about Tobie Bean being in it? A No, sir.

Q You never saw Tobie Bean at the time? A No, sir.

Q You don't know what place on Horse Creek it was? A No, sir.

Q That is all you know about it? A Yes, sir, that's all.

Q You don't know whether that is the one that Tobie Bean was in or
not do you? A No, sir.

BY MR. MELLETT:

Q You know whether George Vann was in that fight or not? A No, sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann dorkies, but I don't remember what his name was.

Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.

Q When did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.

BY MR. HASTINGS:

Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:

BY MR. MELLETT:

Q What is your name? A Joshua Ross.

Q How old are you? A 69.

Q You are a Cherokee by blood? A I am.

Q Where were you in the fall of '66, and the winter of '66?

A I was at Fort Gibson, and Tahlequah.

Q Were you at any time up about Locust Grove, a store up there?

A Yes, sir.

Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.

Q You mean was it in December '66 or along there in '67? A Yes, sir.

Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.

Q Was that after or before this man Elliott was killed? A It was after he was killed.

Q Now do you know George Vann? A I do.

Q Did you see him along about that time? A Yes, sir.

Q Where? A I saw him there at this time.

Q While you were taking these claims? A Yes, sir.

Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.

MR. HASTINGS waives cross-examination.

S. S. STEPHENS, being first duly sworn and being examined testified as follows:

BY MR. MELLETT:

Q What is your name? A S. S. Stephens.

Q What is your age? A I am about 64 years old, 63 or 4.

Q Are you a Cherokee by blood? A Yes, sir.

Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.

Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.

BY MR. HASTINGS:

Q George Vann alive? A Yes, sir.

BY MR. MELLETT:

Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.

BY COMMISSION: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.

Q What year was that? A That was '66; I wrote the order myself. I remember making the order for more, I was elected school superintendent.

Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.

Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.

Q What year was that? A That was in the fall of '66 as near as I can remember.

Q And you don't know the time? A Yes, sir.

Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.

Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Nose.

Q Did you know Tobe? A Tobe, I mean, I know them well.

Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.

BY MR. HASTINGS:

Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.

BY MR. MELLETTTE:

Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.

Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.

BY MR. HASTINGS:

Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.

Q You were around with us a good deal of that time? A Yes, sir.

Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.

Q Also a great many witnesses were introduced on both sides? A Yes, sir.

Q There was a great deal of discussion about it? A Yes, sir.

Q Did you ever go on the stand and testify at that time? A No, sir.

Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you knew and now testify about? A No, sir.

Q Never told any one about it? A No, sir, you requested me at

Claremore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.

Q You told me about it? A Yes, sir.

Q And you told me you knew it too? A You never asked me.

Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see,-- it was Sam's wife I think, she was there at Rachel's.

Q And I sent you over there? A Yes, sir.

Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.

Q You never told me anything you knew about it? A You never asked me a single thing.

Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.

Q This question was largely discussed at that time? A Yes, sir.

Q Well, you never told me you knew those facts you testify about now?

A Never did I say a word to you about it.

Q How long were you with us? A Was with you during the whole time, that is from Vinita down.

Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.

Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.

Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.

Q You saw Tohe Bean in '66? A Yes, sir.

Q Where? A Up here at Island Ford.

Q Living there? A I suppose living right there yet.

Q He was living there? A Yes, sir.

Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.

Q Have you ever been tried in any courts for anything? A No, sir.

Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now,

you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. GREEN.

Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

original transcript.

Arthur Croninger

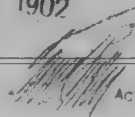
Subscribed and sworn to before me this 12th day of April, 1903.

Philip K. Kuter
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE LAND OFFICE

FILED

APR 11 1902



ACTING CHAIRMAN

R. F. B-213.

Department of the Interior,
Bureau of Indian Affairs,
Washington, D. C., April 3, 1908.

Supplemental testimony and proceedings in the matter of the
application of MARTIN MARTIN for enrollment as a Cherokee Freedman.

Appearances:

Malcolm A. Smith, attorneys for applicant.

T. W. Hastings, attorney for Cherokee Nation.

R. F. Clayton, being first duly sworn, and being examined,
testified as follows:

Q. Mr. Hastings: What is your name? A. R. F. Clayton.

Q. What is your age? A. I was 26 years old the 23d day of February
last.

Q. Where is your post office? A. Fairbairn, Bombon Boury, Kansas,
at this time.

Q. When did you come to the State of Kansas?

A. I got here on the 7th day of September, 1887.

Q. Did you know a colored man by the name of William Martin? A. Yes
sir.

Q. Did you know his wife? A. Yes sir.

Q. What was her name? A. We called her Oneida.

Q. When did you become acquainted with the husband and wife?

A. I suppose about the 12th, I think. I put a wagon tongue in at
the shop on the 12th of September, as near as I can remember.

Q. What was Bill Martin doing? A. Blacksmith.

Q. What is your occupation? A. Farming. I did some work at the
wagon business for that winter. That was my occupation for that win-
ter, and no longer.

Q. You did work at the wagon trade for that winter? A. Yes sir.

Q. The winter following September, 1887? A. Yes sir. The winter
and spring of 1887 and 1888.

Q. It was the winter after you got the husband? A. Yes sir.

Q. How long did you continue to know this family, Martin and his
wife? A. I knew them until 1893, I think. I forget just now. He
died there about that time, right south of me right on Reach's place.

Q. Have any family? A. Yes sir, had several children.

Q. Know any of them? A. Yes sir, but I have forgotten their names.

Q. Did Bill Martin have a brother that you know of? A. Yes sir,
he had Lou Martin, who was a blacksmith and worked there with us
at that time.

Q. How long did Lou continue to live there? A. Until 1873. They
worked together until he went away. I seen him there, but never
knew anything about him afterwards.

Q. He lived around there until 1873? A. Yes sir.

Q. How long after you came there before you got acquainted with
him in the fall of 1887?

A. Both worked together in the shop. Worked all together. He had
two more brothers there.

Q. What were their names?

A. One was Toke and the other was Pete. I think he was older than
Bill or Lou either one. Pete was the last one.

Q. How long did you know Toke? A. About 1873.

Q. He was a brother to Lou and Bill? A. Yes sir.

Q. And a brother to Pete? A. Yes sir.

Q. Did you know Pete? A. Yes sir, I knew him well.

Q. How long did you know him?

A. I knew him from 1873 until he died. I knew him well. I knew
him from 1873 until he died. I knew him well. I knew him from 1873
until he died. I knew him well. I knew him from 1873 until he died.

Q Did he run away?

A Yes. But they caught him and beat him back, but did not appear against him, then he went away to the Cherokee Nation, and I heard that he was dead. I never saw anything about him after he left there.

Q That was in 1867? A Yes sir.

Q Did you know him from 1867 to 1869?

A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.

Q Did you know Fayette's wife? A Yes sir.

Q Did you know who he married?

A A girl by the name Sarah Martin.

Q Do you know a brother of Onedie Martin's, Jack Bean?

A Yes sir, I know him too.

Q When did you first know him?

A It could not have been later than the middle of September, 1867.

Q How long did you know Jack Bean? A He left there in 1868.

Q Was he living there when you came there in 1867?

A Yes sir, he had made a crop up there that summer.

Q He had a family? A Yes sir, he said he had, I never seen his family to know them.

Q Did you know a colored man by the name of Tobe Bean?

A Yes sir, he was a brother to this Martin's wife, he said.

Q How long did you continue to know Tobe Bean up there?

A I knew him until 1868. He helped me harvest in 1868, I think.

Q I am pretty sure he did. My brother and me was together there.

Q You and Bill Martin, the husband of Onedie, worked together in the shop in the fall of 1867? A Yes sir.

Q What work did you do with him? A Yes sir. Both blacksmiths and good workmen, I thought.

Q Is there any peculiar circumstances that makes you remember Jack Bean, any trade that you made with him?

A He never paid me for a pistol that I brought out of the war.

I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.

Mr. Hellette: What is your name? A M. J. Clayton.

Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation?

A I don't know whether he is an applicant for enrollment or not.

Q How was Tobe Bean, was he a lawman? A I think so, for he had a sore foot.

Q Your oath sworn that it was the Tobe Bean you knew?

A Yes sir, the brother of Onedie Martin.

Q When did you know him first?

A He was there around the shop all the winter of 1867, pretty much.

Q The winter of 1866 and 1867, you meant?

A No sir, I was not here, it was 1867.

Q The winter of 1868 and 1867? A It was the fall of 1867 and the spring of 1868.

Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a law man? A I don't know whether he is or not.

Q When did Onedie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878, I don't know which.

Q She didn't come to the Cherokee Nation in 1866?

A I never heard tell of her in 1866. I was not there in 1866. I knew her in 1867.

Q You said 1877? A I said it was in 1877 when she came to the Cherokee Nation, 1877 or 1878.

Q Was she there in 1877? A She was up there in 1877 or '78. I forget which it was.

Q Where was Onedie Martin in 1867?

A Lived on Beach's place, right south of Mapleton there.

Q Did she come to the Cherokee Nation in the fall of 1868?

A I was not here in 1868.

Q How did you move to Kansas? A Moved in 1867.
 Q Was Noodle Martin in Kansas when you came there? A I think she was.
 Q Do you remember her? A Yes sir.
 Q How long ago has it been? A Since 1867.
 Q Thirty-three or -forty years.
 Q When were you first asked to remember back that far as to these people?
 A Never asked to remember back to these people.
 Q When were you first asked to about being a witness in this case?
 A About two or three hours ago. You mean about this Noodle Martin case, two or three hours ago.
 Q When were you first asked anything about any of these colored people up there, when you first knew them? When were you first asked to about being a witness in any of these cases?
 A A week or two ago, I guess.
 Q You have not seen any of these people since they left Kansas, have you? A No sir.
 Q You don't know anything about them? A No sir.
 Q That is a long time to remember? A I guess it is.
 Q You keep in your mind clearly all the names of these different colored people, do you?
 A Yes, and a whole lot more of them that live there.
 Q Why do you remember their names so distinctly?
 A They worked for me. This Noodle Martin washed for my wife.
 Q You remember Tobe? He is a brother to Bill Martin?
 A I think he was the oldest one of them.
 Q What county was that in? A Bourbon County, Kansas.
 Q How far from the Cherokee Line? A About 75 miles.
 Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
 A I know that he was. That is, I know that there was a Tobe Bean there.
 Q Was he a lame man? A He was lame there that winter at so-o time. I don't know whether it was a permanent lameness, or anything about it.
 Q What time did you see him? A He was around the shop in the winter.
 Q When, of 1867? A Yes sir.
 Q That would throw him into the year 1868 too?
 A Yes sir, I think he left there in 1868 or 1869. That is, in the winter, probably, or 1868.
 Q Tobe Bean left there in 1868-9 A Yes sir, I think he did.
 Q The Tobe Bean that you are talking of? A Yes sir.
 Q He did not then, leave Kansas in the fall of 1866 or the fall of 1867? A I don't know what he done in 1866. I was not there in 1866.
 Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
 Q Never went away? A I never missed him if he did. He was around the shop there.
 Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr. Hastings: Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?
 A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:

D-358, D-359, D-360, D-412, D-405, D-388, D-335, D-667, D-656, D-611, D-310, D-304, D-315, and in the case at bar, D-315.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I personally recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic report.

The undersigned, being duly sworn, states that he is a member of the Commission to the Five Civilized Tribes he correctly made the above copy and that the same is a true and complete copy of the original.

Subscribed and sworn to before me this 14th day of April, 1903.

Notary Public

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

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The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly made the above copy and that the same is a true and complete copy of the original.

Subscribed and sworn to before me this 14th day of April, 1904.

Philip J. Reuter
Notary Public

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings.

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 20, 1902.

E. C. Bagwell
P. G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of FERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 7209 filed in the Mariah Hayden case F D 489, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

John Martin, D 480;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decrees, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decrees of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

Department of the Interior,
Commission to the Five Civilized Tribes,
Waskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellotte & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decrees of the Court of Claims in the case of Moses Whitwire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Allie Martin, D 655,

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decrees, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decrees of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. J. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cher Fr D 659

Cher Fr D 659

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 10, 1901.

In the matter of the application of Jennie Ballard for the enrollment of herself and four children as Cherokee Freedmen, being sworn and examined by Commissioner of Brokenbridge, she testified as follows:

- Q Give us your name? A Jennie Ballard.
Q How old are you? A I am sixty on 4th.
Q What is your post-office? A Tahlequah.
Q In what district do you live? A I live in Tahlequah.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir.
Q Have you any children you want to apply for? A Yes sir, I have four.
Q Are these all under 21 years of age? A These four are yes sir.
Q Are they all unmarried? A Yes sir.
Q Are they all living with you now? A Yes sir.
Q How long have you lived in the Cherokee nation? A I was born in the Cherokee nation and lived in and out all my life.
Q Were you a slave in the Cherokee nation at the time the war broke out? A Yes sir.
Q To whom did you belong? A Albert's.
Q What Albert? A Old Johnny Albert.
Q Give me the name of your father? A I don't know my father.
Q Give me the name of your mother? A My mother was Martha Albert.
Q Is your mother alive? A No sir, she died when I was a small child.
Q She died during the war? A Yes sir.
Q Where did she die? A I don't hardly know. She didn't die in the Cherokee nation; her master taken her off south; she died down south somewhere.
Q Down in Texas? A Yes sir, in the Cherokee nation, I believe I have heard it another way.
Q Was she a slave of old John Albert? A Yes sir.
Q Was he a recognized and well known citizen of the Cherokee Nation? A Yes sir.
Q Where were you during the war? A I was with my mother until her death, and she was with her boss in Texas or down south somewhere; my grandmother always said it was down south, I don't remember much about it.
Q You were too little? A Yes sir, small child.
Q Are you on the roll of 1880? A Yes sir, with my grandmother.
Q What is the name of your grandmother? A Nancy Albert.
Q Is she dead? A Yes sir, she is dead.
Q How long has she been dead? A Oh I don't just remember; she has been dead a good while.
Q Fifteen years? A Yes sir, or about that, I don't remember just exactly when she died.
Q Who brought you up after your mother's death, who had charge of you in your childhood? A Mr. Jack Albert.
Q I mean after the war? A Well her boss that took her off brought her back and she brought me back with her; my mother died in Texas and I fell to my grandmother; she came back with her boss and they brought me back.
Q What John Albert her master? A Yes sir.
Q And you came back after General with them? A Yes sir.
Q How many times have you been married? A Only once.
Q To whom were you married? A John Ballard.
Q What John, Cherokee Freedman of a state? A He was a slave.
Q Is he dead or alive? A He is living.
Q Are you living with him? A No.
Q When did you marry him? A When he came back he was married.

Jennie Ballard et al 2

Q Where did you marry him? In Geringale District.
Q In the Cherokee Nation? Yes sir.
Q How long did you and he live together? About 14 years.
Q You say you have lived in the Cherokee Nation, in and out
Q Yes sir, all my life, about two miles and a half from the line.
Q Five miles is the furthest I have ever been from the line since I
was born, to live only I was in the Nation, I have lived in the
State, at Arkansas, and worked over there.
Q In what state? & There I near ever in the state, I lived in
Washington, worked there a great deal.
Q What Washington? A. Washington County, Cincinnati.
Q Arkansas? A. Yes sir.
Q Where are you living at this time? In Tallahatchie.
Q How long have you been living there? About nine months, now since
I come back there last time.
Q Where did you come from? Tallahatchie nine months ago? Cincinnati,
Ill., Arkansas.
Q When had you been to Tallahatchie before that to live, or any other
place in the Nation? How long had you been living over there just
across the Arkansas line? A Little over two years, I went back to
Cincinnati after the payment.
Q How long after the payment did you go back to Cincinnati? I
don't just remember.
Q What two or three months? A No sir, longer than that, nine or
ten months.
Q Did you live there until you came to Tallahatchie at this time?
A Yes sir.
Q How long before the payment was it that you came to the Cherokee
Nation? A I don't remember just how long it was.
Q Was it two or three months? A It was a year or such a matter.
Q Before the payment? A Yes sir.
Q Where did you come from? A Come from Cincinnati.
Q How long had you been living there at Cincinnati? A About eight
or nine years, between times, I were out on a ranch in the Creek
Nation, worked during the time.
Q How long had you been at Cincinnati before you came back here some
thing like a year before the payment? A Oh I expect about eight or
nine years, about eight years I guess, somewhere along there.
Q Before you went to Cincinnati at that time, which was about ten
years before the payment, nine or ten years before the Strip pay-
ment, where had you lived? A In Geringale, right near the line,
right where I was born and raised.
Q Was that the first time you had ever been to Cincinnati? A That
was the first time I was born to Cincinnati, but I had always mostly
worked across the line since I was a small child, just worked by
the week, my grandfather wasn't able to take care of me.
Q How far did your own mother live from the Arkansas line? A The
folks she lived with, the line passed, was right at the corner of
the house, most I ever lived was a mile or two and two miles the
other and then it was a mile to Westville, to the Depot to Cincinnati.
Q You say your husband was a state man? A Yes sir, he was born and
raised in Arkansas, he didn't belong to the territory, he was born
and raised right there in about two miles of where I was born.
Q Did he run over on the Arkansas side? A Yes sir, he belonged
to Tom Ballard.
Q Before you married him, had you lived any of the Cherokee
Nation? A No sir, I lived with my grandfather, only when I worked
out, my home was on the Indian Territory, to the Cherokee Nation,
between Mrs. Jack Allen's and old Mrs. Muller's place.
Q After you married your husband did you go over into Arkansas with
him? A Yes sir, now the other way, after we got into Arkansas
we went out to the Indian Territory, to the depot and the line.

Jennie Ballard et al 3

Q How long after you married was it before you and your husband went over to Arles as to live? A Oh I don't remember.

Q How long did you and he live together over there? A About fourteen years we lived together after we was married, but we didn't live over there all the time.

Q I am asking you how long you lived together over there? A Couple of years.

Q And then you parted? A Yes sir.

Q And he went down to St. Smith? A No sir, we aint been parted but while he was working at St. Smith we wasn't parted, when he was working at St. Smith I was taking care of the children.

Q You are on the 1880 roll? A Yes sir.

Q Under what name? A Jane Alberty, with my brother, Jeff Alberty, and my grandmother, Nisey.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant identified thereon as follows:
page 403 #23 Jane Alberty, Hoingsnah Dist, adopted colored;

Q Your brother and grandmother are both dead? A Yes sir.

1894 census roll of citizens of the Cherokee nation examined and applicant not identified thereon.

Q Did you draw Strip money? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant not identified thereon.

Q Give me the names of these four children that you apply for?

A Malcolm Ballard.

Q How old is this child? A He is 20 years old.

Q Now the next child? A Jeff Ballard.

Q How old is Jeff? A 16.

Q Now the next child? A 17.

Q Give me the name? A Spivey Ballard.

Q How old is Spivey? A 16.

Q Now give me the next one to Spivey? A 15.

Q What is the name? A Anna Ballard.

Q Did you draw Strip money for these children? A No sir, I did at the Wallace payment, but I didn't get any money for them at this payment.

Q That's the Strip payment? A No sir.

Q Where was Malcolm born? A In Goingmale District.

Q Where was Jeff born? A In Goingmale.

Q Where was Spivey born? A He was born in Washington County, Arkansas.

Q Where was Anna born? A She was born in Washington County, Ark.

1894 census roll of citizens of the Cherokee nation examined for these children and names not found thereon;

Kern-Clifton pay roll of citizens of the Cherokee Nation examined for these children and names not found thereon;

Wallace roll of citizens of the Cherokee nation examined and applicants identified as follows:

page 99 #2119 Jennie Ballard, Goingmale District;

page 99 #2122 Malcolm Ballard, Goingmale District.

Q Was this child Spivey ever in the Cherokee Nation to live until nine months ago? A Yes sir.

Q Was just working out over there at his birth.

Examined by Cherokee Representative, James Davenport.

Q You came to Tahlequah about how long ago? A This last time I come over about nine months ago.

Q Did you bring your family with you? A Yes sir.

Q What part of the town of Tahlequah are you living in now? A I don't know whether you would call it east or-

Q Well you know who lives near by you don't you? A I live close by old Mrs. Green and several Cherokee families, I lived in Chief Swimmer's building.

Q When did you move in to Chief Swimmer's building, about how long ago? A 23 of February.

Q You came directly from Cincinnati, Arkansas over to Tahlequah didn't you? A Yes sir.

Q Your family is now in Tahlequah? A Yes sir.

Q You had been living for some years in Cincinnati, Arkansas, before coming to Tahlequah this last time? A Yes sir.

Q Were you living in Cincinnati, Arkansas when the Wallace roll was made? A Yes sir, I hadn't been there but a short time.

Q No, but you had your family there, and came over when the Wallace roll was made, you lived in Cincinnati Arkansas when the Kern Clifton roll was made? A Yes sir.

Q And that was the reason was given you for not putting you on the roll, because you had abjured your citizenship? A They didn't tell me, they told me if I would pay them a big amount of money they would put me on the roll.

Q Mr. Kern and Mr. Clifton didn't tell you that? A No, but the others did; I always lived here and I thought this was my home, I never knew anybody else.

Q You knew these people in Arkansas didn't you? A Yes sir, I ought to know them, I worked for them.

Q Who is there here that knows you have been married and have been about you ~~and have been living with your grandmother~~? A Ben Liberty.

DANIEL ALBERTY, being sworn and examined by Com'r Breakinridge testified as follows.

Q Give us your name? A Daniel Alberty.

Q How old are you? A I am about 52 years old I guess.

Q What is your post-office? A Tahlequah.

Q Do you live in Tahlequah District? A Yes sir.

Q How long have you lived in the Cherokee Nation? A Ever since I was born in there.

Q All your life? A Not altogether lived in the Cherokee Nation, in the Territory all my life.

Q How long have you been living continuously now in the Cherokee Nation? A You may say lived in the Cherokee Nation about 12 or 15 years.

Q Are you on the roll of 1880? A No sir, I don't think I is.

Q Do you now take applicant here? A Yes sir.

Q How long have you known her? A I have been knowing her ever since she was born.

Q What was the name of her mother? A Martha Alberty.

Q Was she a slave in the Cherokee Nation when the war broke out? A Yes sir, she was a slave under old man John Liberty.

Q Martha Alberty and her son dead a long time hasn't she? A She died the year of the surrender I think. We was all together I think about 20 year she died.

Q When her mother died, she took charge of this applicant and brought her up? A Her grandmother.

Q What was her name? A Nancy Alberty.

Q Well, the applicant has been married has she? A Yes sir.

Q What is the name of the man she married? A John Ballard I think.

Q About how long ago was it she married John Ballard? A I rec'd ly

Jennie Ballard et al 5

couldn't tell you how long it has been since she married John Ballard, simply because she married since she got grown, I suppose it has been about 16 or 18 years ago.

Q It has been a good long time ago? A Yes sir.

A I don't want to living near her when she got married, ~~she~~ ~~when~~ we were separated in '65 the spring of '65, the spring of '66 and her grandmother brought her back home and old man Alberty, that's my old boss' daddy, he fetched her and her grandmother and all back to the old place and left me in the Choctaw Nation with my people, my owners.

Q Have you known much about this woman since she married, have you been seeing her much? A Well for the last ten or fifteen years I reckon ten or twelve years I have seen her off and on.

Examined by Mr. Davenport:

Q You haven't been living very close to her since that time for any length of time, within the last ten or fifteen years? A No sir.

Q You have been living at Tablequah and she has been living in Cincinnati, Arkansas? A No she has been at Tablequah most part of her time, about twelve years I have seen her around Tablequah, part of the time she was there and part of the time off.

Q How long at any one time have you seen her living in the town of Tablequah within the last ten or fifteen years, how long at any one time have you known her living in or near Tablequah within the last fifteen years? A I suppose she stayed there at a time three or four years I guess.

Q You have seen her there as much as three or four years? A I think I have.

Q As a matter of fact you don't know anything about it? A I think I do.

Q Don't you know she has not been living in Tablequah this last time but about three months, don't you know she lived over in Cincinnati over in Arkansas since Christmas? A No sir.

Q When did she move from over the river? A I don't know, but she has been staying here way before the payment, and from that she went back in there up about going make or Cincinnati one or the other and there's some of her boys up here more or less, I saw her around Tablequah there.

Q Great deal more or less than it was more wasn't it? A I don't know about that; but it was a common thing to see her.

Q You know she has not been living in Tablequah any length of time? A No, I can't say that.

Q Do you live in Tablequah? A Yes sir, right in the town.

Q Do you know Nelson Lowery? A Yes sir.

Q You know Frank Pack? A I do.

Q You know W. F. Hastings? A Yes sir.

Q How long have they been living in Tablequah? A Frank and Mr. Hastings have been living there 10 or 12 years.

Q You know exactly where they have been living, what house they have been living in? A Yes sir, living in their own houses.

Q Now what house has this woman been living in for the last three or four years? A She has been living in Thompson's house and a full-blood's house, and Sawyer's house and I don't know how many houses she has been living in.

Q In the last three years, I couldn't say positively she has been staying all this long time.

Q Can you say positively she has lived there six months at any one time? A Yes sir.

Q Can you say she has lived there as much as a year since the Wallace roll was made, at one time? A Yes sir.

Q When did you first go to Tablequah to live? A That was I

Jennie Ballard et al d

reckon about 12 years ago.

Applicant, JENNIE BALLARD, re-called, and further examined.
By Com'r Breckinridge:

Q Whose house are you living in now at Tahlequah? A Chief Swimmer's, a full-blood's house.

Q You have been living in that house since last February?

Yes sir.

Q What house did you live in before you lived in Chief Swimmer's house? A Jonie Shell's, by the ice factory, down on the Creek.

Q And you came to Tahlequah the last time since September? A Yes sir, the 23rd.

Q And you have been living there since last September? A Yes sir, this time.

Com'r Breckinridge: The applicant applies for the enrollment of herself and four children, minors; the applicant is identified on the roll of 1880 and on the Wallace roll, but not upon the Kern-Clifton extroll or the roll of 1896; it appears that she was born in the Cherokee Nation, and was taken out of the Nation south during the war; and her mother died about the time of the conclusion of the war; that she and her mother were slaves in the Cherokee Nation of a Cherokee citizen at the time of the breaking out of the war, and that after the death of her mother she was brought up by her grandmother, now deceased; up to her enrollment in 1880 she seems to have lived continuously in the Cherokee Nation from the time of her return after the Civil War; since that time she has lived to a considerable extent in the State of Arkansas; she testifies that at the time the Wallace roll was made upon which she is found, she was living in the State of Arkansas, and that at the time the Kern-Clifton roll was made, she was living in the State of Arkansas, although in one part of her testimony she claims to have come to the Cherokee Nation prior to the making of the Kern-Clifton roll, and to have stayed some nine or ten months thereafter. Her change of name arising from marriage is established in a satisfactory manner; her husband, from whom she is now separated, is a state man, being of the State of Arkansas, and no application is made for him. The question in the applicant's case is as to whether she has abjured her citizenship since her enrollment in 1880. It will be observed that the testimony in regard to her residence given by the only witness called in her case, is directly contradicted in every essential particular by her own testimony, and it appears that her case should be considered upon the strength of her own testimony, upon which the foregoing summary of points has been made. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post-office address.

As for her four children, the oldest of the four, Malinda Ballard, is identified on the Wallace roll, but not upon the Kern-Clifton roll or upon the roll of 1896; this child is living with his mother at this time, and will now be listed for enrollment as a Cherokee Freedman on a doubtful card. The remaining three children named in the testimony are minors and are living at this time; they are not identified upon any roll; the applicant is desired to supply the Commission with a certificate of their birth, when they will be listed with her as Cherokee Freedmen on a doubtful card, and the final decision in each of these applications will be made known

COMMISSION TO THE LIEUTENANT GOVERNOR
DEPARTMENT OF THE INTERIOR

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Jeannie Ballard et Al v

is the applicant at her present address; this address is said to be now the town of Table Rock, where she claims to have lived for the past nine months.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 15, 1901.


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Jane Alberty for enrollment as a Cherokee Freedman:

Jane Alberty, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jane Alberty.

Q What is your age? A 46 years.

Q What is your postoffice address? A Muskogee.

Q What district do you live in? A Going Snake when I live in the Cherokee Nation.

Q Well, when you live in the Cherokee Nation; you must live somewhere now? A I live in Muskogee now.

Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you desire to enroll besides yourself? A Nobody but myself.

Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir, and drawn with them.

Q Is your name on any of the rolls of the Cherokee Nation? A On the 1880 roll and on the Wallace roll.

Q Are you married? A No, sir, not now.

Q Have you ever been married? A Yes, sir.

Q What was your name before you were married? A Alberty.

Q Your name always been Alberty? A Yes, sir, gone back to Alberty again.

Q What was your father's name? A Beck.

Q What was your mother's name? A Niecey Alberty.

Q What Beck? A Uncle Jeff Beck's son.

Q Was he a citizen? A Yes, sir, he was an Indian.

Q Was your mother a slave? A Yes, sir, she was a citizen, an old settler. Jennie Ballard claims my enrollment; my name and my mother's name and my brother's name and my daughter's name is together on the 1880 roll, it ought to be, Niecey and Jane and Jeff, and the Cherokees call them by Burrington on the roll, and that is the name Jennie is trying to claim and it is 46 years old I am, it is on the roll that way, enrolled in Going Snake district, it is the only family there was there. She never was enrolled in 1880, she wasn't here in 1880, she never got back here in time only to get on the Wallace roll; she wasn't here in 1880.

Mr. Hastings: How old did you say you were? A I say it is on the roll 46 years of age.

Q I say how old are you? A I guess if they say my age I am 46.

Q That is what I am trying to find out; do you know how old you are? A Yes, I guess 46, said to be anyway, that is what I have always been told that.

Commissioner: There appears to be a name on the roll of 1880, of Jane Alberty, who applied to be enrolled as Jane or Jennie Ballard, she averring that she was married to one John Ballard; do you know this person? A She is a niece of mine.

Q How old is she? A I don't know, I don't know what her age is.

Q Your mother's name you say was Niecey; is Niecey living? A No, sir.

Q Have you any children? A One.

Q What is the child's name? A Maude.

Q You apply to have her enrolled? A No, sir, she is going to attend to her own business; she is married and with a family; she will have to enroll for herself; she will soon be 25 years of age.

Q Do you know one Jeff Alberty? A Yes, sir.

Q What relation is he to you? A He is a nephew of mine.

Q Who was the mother of Jennie Ballard? A Martha Alberty, my sister, the oldest one.

Q Is Martha Alberty living? A No, sir, she is dead.

Q Was her name on the roll of 1880, do you know? A No, sir, I guess not. I don't think she was enrolled, she died time of the war.
Dr. Hastings: By what name did Jane Ballard go before the war married? A Jennie Alberty I guess; her father was a Harrold.
Q Well, did she live with you? A No, sir, she didn't live with me.

Q Where did she live? A She stayed with my mother, her grandmother until she got big enough to work for herself, and then she hired out until she was married.

Q What was her grandmother's name? A Nancy Alberty.

Q That was your mother? A Yes, sir.

Q Did you live with your mother? A After I was big enough to work and attend to business for myself I didn't live with her.
Commissioner: Jeff Alberty isn't your brother? A He is her brother, a nephew of mine.

Mr. Hastings: Did this Jennie ever come back with you?

A No, sir, she didn't come back with me.

Q After the war? A No, sir, I didn't come with my mother, I came with Mrs. Bettie Eaton.

Q You never lived with your mother after the war? A I lived with her a year or two years after the war; I always stayed at Mrs. Eaton's most of the time.

Q Were you living with your mother in 1880; you would be 36 or 7 years of age? A In 1880 I was living with her.

Q You were? A Yes, I guess I was; I would go away and stay a while and come home and stay a while. I would stay with Mrs. Eaton and go home and I stayed with Mrs. Harrold a while, I didn't stay at home all the time because my mother had two or three children of her own and had two grandchildren, and she put me out when I was small because she couldn't take care of all of them.

Commissioner: You know who enrolled you in 1880? A I think Tuck Alberty and George Reese, if I am not mistaken, I don't know who had me enrolled, I think the old folks had me enrolled.

Q What old folks; was your mother enrolled in 1880? A Yes, sir, she was living; I don't know whether it was her or Mrs. Eaton had us enrolled.

Q You never went by any other name but Alberty until you married?

A No, sir.

Q Never went by the name of Eaton? A No, sir, I didn't go by the name of Eaton.

Q Do you know Jane Eaton? A I think that is Zeb Eaton, she lives at Vian now.

Q Have you any witnesses know anything about you? A From my birth on up?

Q Who know whether you are the Jane Alberty that is on the roll of 1880? A I guess Mr. J. V. Alberty will know.

J. V. ALBERTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is J. V. Alberty? A Yes, sir.

Q What is your age? A I am 37 years old.

Q You are a Cherokee by blood? A Yes, sir.

Q What is your postoffice? A Westville.

Q Please relate now to the Commission what you may know as to Jane Alberty, the applicant there, and Jennie Alberty. A I will make a statement of the facts: In the spring of '86 my father came back here and made a crop and he brought her mother.

Q Whose mother? A Her mother.

Q The applicant's mother? A Yes, and then two children, that Jennie Ballard and Jeff, her grandchildren, he brought them back in the spring of '86, and she stayed back with my mother until

we came here in November, '84.

Q The applicant here? A Yes, she came here when we did in November, '85.

Q She has been living here since that time? A Well, she has been here I reckon about Gibson, she lived up there until after '80 neighborhood to us.

Q Do you know Jennie, or Jane Ballard? A Well, she is the one I was telling you he went after in the spring of '88, but after she stayed here a few days why she went to Harrolds and stayed and has been out ever since.

Q Where is Harrolds? A He lived in the state.

Q What state? A State of Arkansas.

Q That is Jennie Ballard? A That is Jennie Ballard, went to Harrolds and stayed there until she married.

Q And has been living there ever since? A Yes, sir.

Q That is in the State of Arkansas? A Yes, sir, and this one lived right there up until about '85 or '86, her mother died there I reckon must have been in '84, and then she came back down here.

Q Well, there appears to be on the 1880 roll one Jane Alberty.

A Well, this is the person.

Q The applicant is that person? A Yes, sir.

Q What makes you think that this woman, the applicant, is the Jane Alberty on the roll of 1880, instead of the Jane Alberty who is now married to one Ballard? A Well, this one lived right there by me, in about a quarter of a mile of me when the census of 1880 was taken, and the other one lived at George Gibson's in the state.

Q In the state of Arkansas? A Yes, sir, I know them both well because my mother raised them.

Q Well, did you know Macey Alberty? A Yes, sir.

Q Who was she? A She was the mother of this one, and the grandmother of Jennie Ballard.

Q Do you know Jeff Alberty? A Yes, sir.

Q Who was he? A He was a brother of this Jennie Ballard, and their mother died on Red River, they were just children when we brought them back in '86; Jeff is dead, and he was born about the time of the war, he was called after the great man, Jeff Davis.

The 1880 authenticated roll of Cherokee Freedmen examined, and opposite the name of Macey, Jane and Jeff Alberty on said roll appears following note: "Adopted by treaty of 1866.

Afterwards removed out and is back in the Nation and claims that she lived here first when she went out of the Nation; Going Snake district, page 403.

Q There are two more of the same family down here somewhere, there is Bell West, and then he has got a sister that was married to Tom Walte, they were all brought back at the same time, we brought them back.

Q That a sister of this applicant? A Yes, sir, a sister and a brother, they call themselves though West; Millie is married a darkey by the name of Tom Walte, and they have been writing to me.

Q This applicant was never known by any other name than Alberty?

A No, sir.

Q She was never known by the name of West? A No, sir; these taken their name from their father.

Q Well, your opinion is that the Jennie Ballard who claims to be on the roll as Jane Alberty couldn't have been correct, she wasn't entitled, in your opinion, to be enrolled in 1880? A No, she was living out of the state, there was another that married in the state and she don't appear on any roll, she never made any application at all, of the same family, two went out in the state.

Mr. Hastings: You knew this woman lived in the Cherokee Nation continuously after her return up until 1880? A Well, I guess so, I have never seen her since she left there until this time.

Q I mean up to 1880? A Oh yes, she lived there, they had a

little house and she worked backwards and forwards like people did for something to eat, she worked over in the state a month or so and back again, her mother lived right there and she lived with her; of course they had to work for something to eat.

Q How about Jennie Ballard? A She never stayed on this side at all.

Q How long after she returned after the war until she went over in the State? Jennie Ballard? A Well, it was only about two or three weeks after we returned here; now she returned in the spring. I mean ~~xxxxxx~~ after the fall. A Yes, after the fall.

Q Well, in the fall of '88 she went over in Arkansas? A Yes, sir.

Q And she has lived there ever since? A Ever since, yes, sir.

Q She married over there? A Yes, she married this John Ballard over there and has been living there, first one place and another.

Q Well, you have known her ever since? A Known her, oh yes, I have known her ever since.

Q How far do you live from Cincinnati? A About four miles.

Q You live on this side? A Yes; what bothers us, we always called her Jean, and it is down there different.

The 1880 authenticated roll of Cherokee Freedmen examined and the name of Jane Alberty found thereon, page 403, No. 23, Going Snake district.

The 1893 census roll of Cherokee Freedmen examined and the name of Jane Alberty not found thereon.

JANE ALBERTY, recalled, testified as follows:

Mr. Hastings: Did you enroll five years ago? A I was enrolled here five years ago.

Commissioner: Did you draw your strip money? A I guess I did, I was enrolled.

Q Did you draw your strip money? A No, sir.

Q Why? A This woman came between us and claimed the money and they said they wouldn't pay it to either one; they investigated and said they wouldn't pay it to either one until it was settled, and that gentleman said I would have to find someone who knew me from my birth, and I was going to write him back, and they said it was no use, they wouldn't pay it to either one; they said I would have to write to the Secretary of the Interior.

Q What did the Secretary of the Interior write to you? A He wrote me to present it to the Dawes Commissioners and when I presented the returns I would present the letter.

Q Wanted you to appear before the Dawes Commission? A Yes, sir, and I never did it.

Q Have you any other witnesses besides Mr. Alberty here? A No, sir.

Mr. Hastings: Was Maude married in 1893? A Maude was married in 1893.

Commissioner: Did she get any strip money? A She has got two children.

Q Did she get her strip money? A No, sir, she didn't get any strip money.

Q Did she ever apply here to be enrolled here? A No, sir, she said she was going to apply to the Council to withdraw from the Cherokee Nation, she hasn't been before them and said she wasn't coming.

The Kern-clifton roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Did you draw what is known as the Wallace money? A Yes, sir.

Q Is your name in the Wallace roll? A Yes, sir, I drew the Wallace money.

The Wallace roll examined and the applicant identified thereon page 31, No. 583, Going Snake district.

Q You are living now in Nuckagoe in the Great Nation? A Yes, sir.

Q How long have you lived there? A 19 years, that is the longest I have lived out of the Cherokee Nation since I came back.

Q Are you married? A No, sir.

Q Have you any property in the Cherokee Nation? A No, sir, I haven't none this time, that is improved.

Q Why do you live in Muskogee instead of the Cherokee Nation? A I had to make a living, and I thought I had just as well work there; I work for Mr. Blackstone in Muskogee.

Commissioner: Jane Albany applies for the enrollment of herself. She avers that her name appears upon the authenticated roll of 1880, and on said roll is found the name of Jane Albany according to page and number of the roll as indicated in the testimony. Her name is also found and she is fully identified upon the Wallace roll, according to page and number of the roll as indicated in the testimony. She avers that she was a slave, and returned to the Cherokee Nation in the year 1888, and has lived in the Cherokee Nation until about ten years ago, ~~when she removed to Muskogee~~ and that she now resides in Muskogee in the Creek Nation. Upon an examination of the records of the Commission, it is found that one Jennie Ballard applied to be enrolled as a Cherokee Freedman, and claimed that her name before her marriage was Jennie Albany, and that she was the identical Jane Albany found upon the said roll under the same name and number on the roll as the applicant. There appears to be a question of identity as to whether the applicant, Jane Albany, or Jennie Ballard, nee Albany, is the person whose name appears upon the authenticated roll of 1880. From the testimony it would appear that the applicant is the identical person, and if so, the only question as to her enrollment would be the matter of residence. The evidence presented to-day would indicate that the Jennie Ballard, nee Albany, who applied for enrollment and has been listed on D card 559, is a non-resident, and has no rights to citizenship for herself or her four children. The testimony taken in the matter of the present application will be made part of the record in the case of the applicant, Jennie Ballard, and her four children, on D card 559, and will be filed therewith. The testimony taken in the matter of the application of Jennie Ballard on D card 559 will be made part of the record in the case at bar, and a copy thereof filed herewith. The said Jane Albany will be listed for enrollment as a Cherokee Freedman upon a doubtful card, for the further consideration of the Commission. It appears that the only fact to be determined by the Commission is as to the identity of the applicant, which now appears to be fully established.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed before me this 6th of September, 1901.

Bruce G. Jones

M. G. Jones

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 16, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JENNIE BALLARD as a Cherokee Freedman:

APPEARANCES:

Applicant present in person and by Agent, Louis T. Brown.

W. W. Hastings, present for Cherokee Nation.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and protests against the taking of the testimony of the applicant, Jennie Ballard for the reason that she took the stand in her own case when her application was made and every point was gone into thoroughly in her case and no new points were brought out by the Cherokee Nation in the testimony introduced in the Jane Alberty case and made a part of the record in her case, and therefore it is not competent to introduce any rebuttal testimony except where new points have been brought out, and then rebuttal testimony must be confined to the new point brought out by the defendant.

Commissioner Needles: Objection overruled and testimony will be taken.

JENNIE BALLARD, being duly sworn by Commissioner Needles, testified as follows: By Mr. Brown:

- Q State your name. A Jane Ballard.
Q What is your age? A I don't know my age.
Q What is your residence? A Tahlequah.
Q What was your name before you married? A Jane Alberty.
Q Your grandmother's name? A Niecey Alberty.
Q What was your brother's name? A Jeff Alberty.
Q Do you remember when the 1880 roll was made? A Yes, sir.
Q Where were you living at that time? A Near Jack Alberty's in a little cabin.
Q In what district? A Goingsnake.
Q Cherokee Nation? A Yes, sir.
Q Did the census takers come to your house or not? A Yes, sir.
Q Did they enroll you? A Yes, sir.
Q With whom? A My grandmother and my brother.
Q What did you say your brother's name was? A Jeff Alberty.
Q With whom did you live Mrs. Ballard, from the time you returned here until you married?

Mr. Hastings: Question objected to by representative of the Cherokee Nation upon the ground that the Agent for the applicant explained to the commission that it was not the residence but identification upon the 1880 roll was which he desired to introduce the applicant; and that the question of residence was thoroughly gone into when the applicant made her original application, and that this is certainly not rebuttal testimony against any new matter brought out by the Cherokee Nation.

Commissioner Needles: This matter of her residence has been all gone into; we have got her testimony on that.

- Q When you applied to be enrolled by Mr. Wallace who was your witness? A Jack Alberty, Elias Harlan, you will find it on record.
Q Do you know a woman who is now going by the name of Jane Alberty and she claims to be an aunt of yours? A Yes, sir, I do.
Q How long have you known her? A Ever since I could remember I have known my aunt.
Q I will ask you to state whether or not she has ever gone to the

Alberty
Jane. A Not that I know of.

Q You have known her all her life? A Gene was always her name.

Mr. Hastings: Who took the census in 1880?

A Tuck Alberty and George Reese.

Q What time of the year was it they enrolled you?

A I don't remember I think it was in the spring, as well as I can remember.

Q Were you married then? A No, sir, I married shortly afterwards.

Q What time of the day did they come to your house?

A I think it was right about noon as well as I remember.

Q Is there any circumstance by which you remember the fact that they came to your house? A Yes, sir, I see my brother was working out and my grandmother notified him to come home and be enrolled; he was working about a mile and a half from home; she wanted to enroll him, he and I.

Q Did she notify you? A I was at home.

Q Where was your aunt Gene? A I don't know, sir, perhaps she might have been at home and perhaps she might have been gone.

Q You don't remember that? A It seems to me that she was there, I don't remember.

Q Where were you when they took the census in '83? A I don't know that; I guess I was in the Creek Nation.

Q Did you know who took them in '83? A No, sir I don't.

Q Who took the census in '86? A I don't know that either.

Q Who took them in '91? A I don't know, sir.

Q Who took them in '93? A I don't know that.

Q You don't know what time in the year, you are not positive what time of the year, these gentlemen took them in 1880? A No, sir, I think it was in the spring of the year though.

Q Do you remember any question they asked your grandmother?

A Yes, sir, they took our names and ages.

Q Jeff came back to the house did he? A Yes, sir, and was enrolled.

Q And you think Tuck Alberty was one of them? A Yes, sir.

Q What relation is Tuck Alberty to this man Jack Alberty?

A His nephew.

Q How far from Jack Alberty were you living at that time?

A Quarter of a mile.

Q And that is the same man that testified? A Yes, sir.

COM'R NEEDLES: You say your name is Jane Ballard? A Yes, sir.

Q You gave your name in when you enrolled as Jennie Ballard?

A That is my name.

Q Your name is Jane? A Jane; great many calls me Jennie and great many calls me Jane.

Q Did you ever call yourself Jennie? A Yes, sir, sometime I do; Mr. ~~Hastings~~ testified and had me enrolled on the Wallace roll after my grandmother died; just whatever he give my age that is my age. He never enrolled myself until '96. He testified for me after my grandmother's death.

Q Are you the same person that was enrolled as Jennie Ballard on the 10th day of June, 1901, at Chelsea? A Yes, sir.

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 16th, 1901.

J. O. Reason
Mrs. [unclear]
[unclear]

To be filed with case of Jennie Ballard, U. F. D. #659.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 16, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Jane
Alberty as a Cherokee Freedman:

APPEARANCES:

Applicant present by Louis T. Brown, Agent;
W. W. Hastings, attorney for Cherokee Nation:

J. W. ALBERTY, recalled for additional cross-examination,
being duly sworn by Commissioner Needles, testified as follows:

BY MR. BROWN: State your name, Mr. Alberty? A J. W. Alberty.

Q Your age? A 67 years old.

Q What is your residence? A Goingsnake district, Westville, I.T.,
post office.

Q You are the same J. W. Alberty that testified in the Jane Alberty
case the other day? A Yes, sir.

Q Mr. Alberty, in your testimony you testified that Jennie Ballard
came back to the Cherokee Nation in the year 1866 and left there a
few weeks afterwards and has never lived in the Cherokee Nation since?

A No, she never has been a citizen of the Cherokee Nation since.

Q Well, now, has she ever lived in the Cherokee Nation since?

A Well, no, not of my recollection.

Q When did you see her after she left Goingsnake district in 1866
the next time? A I saw her frequently, she just lived over
across the line at Herald and Gibson's.

Q How long did she continue to live up in that neighborhood after
1866? A She lived up there until she married.

Q About how long is that? A I could not exactly state; she
lived there ever since only for a short time she went to Okmulgee
and stayed out there a while and she is still living there the last
time I knew of her, she lived there.

Q How long has it been since you knew of her last?

A I haven't saw her for 12 months or over.

Q Then she has continued to live in the neighborhood of George
Gibson and Herald from 1866? A No, sir, she went to Cincinnati
and lived there a short space of while and went to Okmulgee.

Q Then you knew of her whereabouts from 1866 until about 12 months
ago? A Well, Yes.

Q And you are positive of your statement she has not lived in the
Cherokee Nation since that time? A Yes, sir.

Q You are just as positive about that as other matter you have
testified to? A Yes, sir.

Q Did Jane Alberty ever have a brother by the name of Jeff?

A Yes, sir.

Q Jennie Ballard have a brother? A She was Jane Alberty, the
other one was Gene Alberty; she was Jane Alberty and the other one
was Gene, we called her Gene; she has no brother except that fellow
that was in here the other day, Bill.

Q Then she didn't have a brother by the name of Jeff?

A No, sir.

Q Was Jane, or Gene Alberty, ever married? A No, sir.

Q Never was? A No.

Q Now, then, did Jane Alberty, or Gene Alberty as you call her,
continue to live with a grandmother, Nancy Alberty? A No, didn't
give it that way, she lived with her mother; Nancy Alberty was her
mother.

Q They were living in the Cherokee Nation all the time?

A Well, no, they didn't live all the time; they had a little house,
residence, close to Hape; they worked out some, sometimes in the
State and sometimes in the Nation, the bigger part of the time in
the Nation, they kept a little house there.

Q Now, then, when Jennie Ballard was working for George Gibson where

was Niece Alberty? A She lived in a little house right there by me.

Q Mr. Alberty, do you remember the circumstances of the making of a roll of freedmen by Mr. J. W. Wallace? A Yes, sir.

Q I will ask you to state if you were not a witness at that time for Jennie Ballard? A I was not.

Q And if you didn't testify in that matter at her application before Mr. Wallace that Jennie Ballard was living within a mile or mile and a half of your residence in Goingsmake district?

A No, sir, I didn't; it was in a mile or mile and a half of my residence but she was in the State.

Q Don't you know as a matter of fact that Jennie Ballard lived with her grandmother, Niece Alberty, up to within a year or two before she was married? A No, sir.

Q They built a little house up there somewhere? A Yes, sir.

Q In what year was that? A I could not exactly tell, it was along about '67 or '70; it might have been up as near as '71 or 2 though; they asked my permission to build up there and I granted it.

Q Where was Jennie Ballard then? A She was at Mr. Gibson's.

Q Didn't she help build that house? A No, sir.

Q She didn't? A No, sir.

Q About what time did Jane Alberty leave Goingsmake district?

A Jane Alberty or Gene?

Q Yes, sir? A She must have left there in about '85 or 6.

Q From the time she left there in '86 did you see her any more until this other day? A I saw her since after that at Tahlequah.

Q You didn't know where she has lived from '85 up to the present date? A No, sir; her statement will show that.

Q Did the Jane Alberty for whom you testified the other day ever go by that name until she came here to be married?

A Well, she always went by Gene; we called her Gene, and she went by that ever since she was a child.

Q What name did Jennie Ballard ever go by? A Jennie.

Q Was she ever called Jane? A No, sir.

Q You are positive of that? A Yes, sir.

Q So you now state that you didn't testify for Jennie Ballard before Mr. Wallace? A No, sir, I did not.

Q Mr. Alberty, didn't the grandmother of Jennie Ballard here, who was named Niece Alberty, have a little house close to Mr. Gibson's?

A She stayed in a little house there close to Gibson's a while.

Q About how long? A I could not tell how long; she stayed there but all the while she had that little house by me.

Q Where was Jane Alberty then? A She was part of the time with my sister, Mrs. Eaton.

Q In the Cherokee Nation? A Yes, sir.

Q Where was she the other time? A She worked part of the time in the Nation and part of the time in Arkansas.

Q But she worked more of the time in Arkansas than she did in the Nation? A No, sir, I don't know.

Q Now, where is this George Gibson's house with reference to the line?

Mr. Hastings: About how far east of the line? A About 50 steps.

Mr. Brown: A Isn't it a fact that the line runs across the porch? A No, sir, it is just outside of the fence.

Q Then, you are satisfied that since the return of Jennie Ballard in 1866 up until 18 months ago, she has never lived in the Cherokee Nation? A She never made her home in the Cherokee Nation.

Q Well, has she or has she not lived in the Cherokee Nation since?

A Well, not of my knowledge.

Q Well, you stated positively the other day that she hadn't lived in the Nation? A Well, I don't know that she ever did; she never had a residence in the Cherokee Nation.

Q Well, do you know that she didn't? A Well, if she did I never knew it.

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W. O. Adams, being first duly sworn, states that as shown
before the Commission, to which he is sworn, he has correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and correct transcript of his stenographic
notes thereof.

W. O. Adams

Subscribed and sworn to before me this September 16th, 1901.

[Signature]

Commissioner.

W. O. ADAMS

EX. PAPER CO. 1101 YORK

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., November 17, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application for the enrollment of JENNIE BALLARD, ET AL., as
Cherokee Freedmen.

Appearances:

Myron White, Attorney for Applicants.
W. W. Hastings, Attorney for Cherokee Nation.

Witnesses placed under the rule.

JENNIE BALLARD: being first duly sworn, testified as follows
on her own behalf:

BY COMMISSION: What is your name? A Jennie Ballard.

Q How old are you? A About forty-four, I guess, as well as I know.

Q What is your post office? A Tahlequah.

Q In what district do you live? A I really don't know, I live in
Tahlequah.

Q You live in the Cherokee Nation, do you? A Yes sir.

MR. WHITE: How long have you lived in the Cherokee Nation, Mrs.
Ballard? A I have lived there all my life.

Q You were born in the Cherokee Nation, were you? A Yes sir.

Q During that time, Mrs. Ballard, have you ever moved from the
Cherokee Nation permanently, went away from there to make your home
at another place? A No sir, I have worked away from there, back-
wards and forwards all my life.

Q Where have you worked, Mrs. Ballard? A In Cincinnati, and right
on the line near Westville.

Q Have you ever worked in any other nation or country in the Indian
Territory? A Yes sir, I lived here in this place a couple of years,
then I worked in Okmulgee. When I was first married we lived at
Okmulgee on a ranch some three or four years.

Q You may state whether or not at any time you ever moved all of
your effects, all of your belongings, from the Indian Territory.

A No sir, never. I never have gone and took my household goods
after I moved here.

Q Have you ever been away from the Indian Territory as long as a
year? A Not without coming back.

Q What was your name before you were married? A Jane Alberty,
sister of Jeff's.

Q Were you ever enrolled as a citizen of the Cherokee Nation under
that name? A Yes sir, Tuck Alberty enrolled me as Jane Alberty, in
the year 1880.

MR. HASTINGS: Where were you living when Tuck enrolled you?

A Between Jack Alberty's and Buffington's.

Q With whom were you living? A Niece Alberty, my grandmother.

Q How far were you living from John or Jack Alberty? A About a
quarter of a mile from Jack Alberty.

Q Jack Alberty's name is John? A About a quarter of a mile,
right out in a little glade.

Q Were you married at that time? A No sir, not at that time, but
I married shortly afterwards.

Q How old is your oldest child? A Twenty-two.

Q What is his name? A Malcolm Ballard.

Q Is that the oldest child you ever gave birth to? A After I was married to Ballard. I never was married until I married John Ballard.

Q Did you have a child before that? A Yes sir.

Q What is its name? A Its name is William.

Q How old is William? A I guess he is about twenty-five or twenty-four, somewhere along there. I really don't know exactly.

Q William was alive in 1880, was he? A Yes sir, he was alive. He is alive now.

Q Did you have him enrolled with you in 1880? A I really don't know whether I did or not. I didn't give in the names, my grandmother did, I suppose she did.

Q Were you present when your name was given in? A Yes sir, I was.

Q You heard it given in? A Yes sir, I think Will was enrolled by George Riggs.

Q This Tuck Alberty is the same man that is now a senator? A Yes sir, I saw him yesterday before I started over here.

Q This child of yours, then, is not on the roll of 1880 at present, along with you? A No sir, I think not.

Q You had an aunt by the name of Jane Alberty? A No sir, I had an aunt by the name of Eugene Alberty. Never had one by the name of Jane. Only was one in the family and that's me, my name is Jane myself.

Q Your aunt never went by the name of Jane? A No sir, 'cause everybody knows that's not her name.

Q You know it is not her name? A Everybody did.

Q Everybody in Goingsnake District know that too? A Yes sir.

Q Tuck Alberty knows it is her name? A Yes sir.

Q Jack Alberty knows it was not her name? A Yes sir, he knew it wasn't her name.

Q You are positive, you know it wasn't her name? A Yes sir, because she is my mother's sister. She testified my brother was her brother; she testified she was married, and everybody knew she never had been married.

Q You have been married? A Yes sir.

Q What is your name now? A Ballard. My husband and me separated, and I have never got a divorce, but I still go by the name of Ballard. My name used to be Alberty.

Q They all know you by the name of Jane? A Yes sir.

Q Mrs. George Gibson was a white woman? A Yes sir, and her name was Jane, I nursed for her. My grandmother lived in the yard and done the work, and I nursed in the house, just like Mrs. Richardson is doing for you.

Q Gibson lived over in Arkansas? A Yes sir, about a half a mile right over the line, and the other Gibson lived about four miles from him.

Q You belonged to Gibson? A No sir, I belonged to old John Alberty. I was little and don't know anything about it. I was at Gibson's place, and my grandmother worked there.

Q That is the same John Alberty that testified in this case? A No sir, it was old Jack Alberty that testified in this case. He enrolled me, and then he come right down here and tried to take me off the roll.

Q You belonged to Mr. Gibson, a white man, did you? A No sir, never did belong to him. He never owned me. I only worked for him when I was small.

Q Is he alive? A Yes sir.

Q You never asked him to act as a witness for you? A Yes sir, I asked him to come. I said I would ask him to come. Didn't ask him to come now. My aunty worked for him as much as I ever did, and when they left I left too.

Q Her name wasn't Jane? A No sir.

Q How is it you come by the name of Jennie? A That's all the same, but Eugene and Jane isn't. Her name is Malzarine Eugene.

Q Where were you living when you married? A Between Jack Alberty's and Tucksy.

Q Who married you? A Old Uncle Isaac Buckhannon. He is dead now.

Q How long did you live up there after you married? A Seven weeks right then.

Q Who did you live with? A I lived with my grandmother; was living with her when I married, and afterwards.

Q In what year were you married? A In the spring of 1880.

Q About what month? A The third day of April, I think it was about that time, it was in the spring of the year.

Q Now after about seven weeks, you state, where did you move to? A Out to Okmulgee to Fred Severs' to cook, on a ranch. My husband was working out there when he come and married me. He stayed in Goingsnake seven weeks and afterwards went back.

Q You went to Okmulgee? A Yes sir, out on a ranch.

Q How long did you stay out there? A Some three or four years, I don't know exactly.

Q Then where did you go? A I come here.

Q To Muskogee? A Yes sir, right here to Muskogee.

Q How long did you stay at Muskogee that time? A I really don't know, sir, just exactly how long I lived here.

Q About how long; your best judgment? A I really don't know. At that time I never thought it was necessary to keep any record. I was young and didn't think about it, and of course I don't know.

Q As much as five years? A No sir, I didn't live here as much as five years.

Q As much as three years? A No sir. Well, I don't hardly know whether it was as much as three years or not.

Q In the neighborhood of three years? A Yes sir, my best judgment I really don't know.

Q Is that your best judgment? A Yes sir, my best judgment.

Q Where did you go from here? A Went back to Goingsnake to my grandmother there on the branch at Bob Williams', around the mountain over here.

Q Had you and your husband separated? A Yes sir; not exactly separated. I just went off and left him in the Creek Nation at work, went to grandmother's. She was sick.

Q How long did you stay up there with your grandmother when she was sick? A I stayed until she died, after her death.

Q Then did you come back here? A Yes sir.

Q How long were you over there attending your grandmother's sickness? A I spent from February, I believe, or was it before Christmas? I really don't know just exactly. It was in the winter time, and I stayed until the opening of spring.

Q Two or three months? A Yes sir, I suppose it was.

Q Where did you go then? A I come back over here.

Q How long did you stay here that time? A I really don't know sir.

Q How long have you been living at Tahlequah this last time? A I don't know sir.

Q Well, about how long? A I guess it is somewhere in the neighborhood of five years this time.

Q Where did you come from this time? A Cincinnati, Arkansas, five miles from Westville.

Q With whom were you living up there? A I was working for first one then another. I worked for several families up there.

Q Can you name some of them? A Bob Rowe, Bill Rowe, Oates, Spence.

Q Keep house? A Yes sir, sometimes I did. Just like I did at Tahlequah. Sometimes at home, and sometimes at Aunt 'Liza's hotel, and sometimes at Ballard's restaurant.

Q How long were you over there just before you came to Tahlequah, five years, you said? A I really don't know just exactly how long I was over there, but you remember I had been to Tahlequah before. I had went over there and back over here.

Q Had you been in Arkansas five years? A At one time, no sir.

Q All along together before you moved to Tahlequah? A Not at any one time. I had been going backwards and forwards to Cincinnati five years, but didn't stay that long any one time.

Q How long did you ever stay there at any one time? A I don't know.

Q Your best judgment? No response.

MR. WHITE: Tell as near as you can tell how long you stayed there.

BY COMMISSION: Answer the question. Do you know?

A Yes sir, at one time, been there five or six months.

MR. HASTINGS: When did you ever have a house first in the Cherokee Nation, keep house first? A When I kept house first myself?

Q Yes? A Oh, I have always had a house in the Cherokee Nation.

Q Did you have one there in 1840? A All my life. I had a house in 1840?

Q Yes? A I really don't know.

Q Did you have one there in 1850? A I don't know.

Q When did you first keep house yourself in the Cherokee Nation? A I always kept house with grandmother when I was at home.

Q You made your grandmother's place your home? A Yes sir.

Q After your grandmother died, and after you married, when did you keep house separate and apart from your grandmother first in the Cherokee Nation? A After I went back there from Muskogee here.

Q When was that? A I really don't know sir.

Q About how long ago, your best judgment? A The Commission will tell you, I can't tell you.

Q You can't answer it to a day or a month, but your best judgment as to when that was you first kept house in the Cherokee Nation separate and apart from your grandmother? A About nine or ten years ago, I guess.

Q Where did you keep house? A I never, really can't remember of keeping house by myself, just living alone by myself since. After grandmother's death I stayed at Mr. Duncan's, Mrs. Nancy Duncan's, and my aunt, after grandmother's death.

Q Where did she live? A Not far from Jack Alberty's place.

Q She is dead? A Yes sir, she is dead.

Q I thought you said you left there immediately after your grandmother's death? A I went back and kept house. That's a fact. I went back after her death. I come back here, and then went over there.

Q How long did you keep house with Mrs. Duncan? Didn't you then work for her? A Yes sir.

Q Did you ever keep house over there anywhere separate and apart from working for other people? A No sir, I don't believe I ever did, in Goingsnake, after grandmother's death.

Q Did you ever, anywhere in the Cherokee Nation? A Yes sir, in Tahlequah. I have been keeping house there for nine or ten years in Tahlequah.

Q That is the first place you kept house in the Cherokee Nation, is it? A Yes sir, keeping house separately without working for somebody, living in the house and working for people.

Q That is the first house you have ever occupied? A Yes sir, since grandmother's death. I went everywhere I wanted to, and when I got through working I went home to her.

BY COMMISSION: What was your father's name? A I don't know. My mother died when I was a little kid, and I never did see my father.
Q What is your mother's name? A Martha Alberty.
Q Were you born before the war? A Yes sir.
Q Were you a slave? A Yes sir.
Q Who was your master? A Old Johnnie Alberty.
Q When is the first time you ever left the Cherokee Nation?
A In the spring of 1880.
Q Where did you go then? A Went to the Creek Nation out on a ranch.
Q When is the first time you went to Arkansas? A The first time I went to Arkansas?
Q Yes.

BY MR. WHITE: The first time you were ever over there.
A That is when I was a little kid. My grandmother lived over there before I was grown and married. My grandmother had a little cabin at Mr. George Gibson's. She done the outside work and I nursed. After she left and built overin the Nation I lived with her.

BY COMMISSION: Where were you living when the 1880 roll was made?
A In between Jack Alberty's and Buffington's and Tuckey's.
Q In Goingsnake District? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q When was the first time you ever went to Arkansas after 1880?
A About ten years ago, I don't know what year it was in; about ten years ago when I first began to work backwards and forwards in Arkansas.
Q About 1893, is that the first time you ever worked over there since 1880? A Yes sir.
Q Where did you go to? A Cincinnati, worked five miles beyond Westville.
Q How long did you stay in Cincinnati at that time? A Sometimes five months, sometimes six.
Q How long did you live there continuously at that time in Arkansas?
A I really don't know sir.
Q When did you come back to the Cherokee Nation from Arkansas the last time? A About five years ago.
Q Your former testimony before the Commission taken at Chelsea June 10, 1901, didn't you say that you came to Tahlequah nine months ago from Cincinnati, Arkansas? That would make it in about 1900?
A No sir, I didn't say it, but somebody else did state I come there nine months before. I said I had been there three years. I heard it was said I had been there only nine months, or nine weeks or something.
Q Is it or is it not a fact that you removed from Cincinnati, Arkansas, the last time in 1900? A I have been there going on five years, five years this month, I reckon it is, in Tahlequah, this last time. I have been living backwards and forwards now for about ten or twelve years.
Q Have you been living at Tahlequah continuously for the last five years? A Yes sir.
Q Never been in Arkansas during that time? A No sir.
Q How long did you live in Arkansas at any one time, all the time?
A I told you that I lived there sometimes five or six months without going out, and then I would come out, and go over to Tahlequah, go from Tahlequah to work and then come back again.
Q Did you ever live there for eight or nine years at a time?
A No sir, never did, never in my life.
Q When you went to Arkansas after 1880, did you leave any property in the Cherokee Nation?

A I left my household. When I left Okmulgee I left our household, expecting to come back and get it, and didn't get it. When I left here I left part of what I had, and never did get it.
Q Did you have property in the Cherokee Nation all the time when you were in Arkansas? A Had my household. Never had property anywhere, always lived with my grandmother or somebody else. I never had a home.

MR. WHITE: Property is bed clothing, or any personal effects. That is what he asked you.

MR. HASTINGS: What household effects did you have after you left over there, what became of that, over in Goingsnake in 1880? Didn't those household effects belong to your grandmother with whom you lived? A No sir, not altogether. Of course some belonged to me. I had my own bedding and my own bedsteads and such things like anyone else.

Q How many bedsteads did you have? A I had one or two.

Q Do you know which? A I know I had two.

Q What became of them? A I really don't know what became of them, I don't know.

Q You don't know what became of any of those household effects?

A I had seven wagon loads, and only took two back to Tablequah. I don't know where they are. I had enough to furnish two good houses, stoves and beds and everything else.

Q All kinds? A Yes sir.

Q You never thought enough of them to look after them, did you?

A Yes sir, I did, but it never did go me any good. It didn't amount to much for me to look after them.

Q You don't know what became of those you left in Goingsnake District? A Of course I don't know what became of them.

Q They just went with her estate? A No sir, I don't know anything about her estate either.

BY COMMISSION: Who did you say gave your name in to be enrolled in 1880? A Nicey Alberty, my grandmother.

Q Were you living with her at that time? A Yes sir.

Q Who else was in the family at that time, was there anybody else?

A Yes sir, she had a daughter of her own. I had a brother name Jeff. The daughter was Lugenia. Lugenia and Jeff.

Q Lugenia Alberty and Jeff Alberty, you and your grandmother, were all living together in 1880? A Yes sir.

Q Where were you living when the Wallace roll was made?

A When the Wallace roll was made?

Q Yes, in what district? A I was working at Mrs. Duncan's, as well as I remember.

Q Near what town? A It is about a mile from the old place, where my mother was born and raised in Goingsnake District.

Q What is Mrs. Duncan's name, her first name? A Nancy, as well as I remember. I really don't remember. I know one thing. I had come back from the Creek Nation, and Mr. Jack Alberty enrolled me for the Wallace roll. I had just had come home, the last trip I made out there.

Q How much money did you get in 1880? Were you married when the Wallace roll was made? A Yes sir, and had lived in the Creek Nation.

Q What was your husband's name at that time? A John Ballard.

Q Were you living with him? A Yes sir, but he and I wasn't together. We wasn't separated, but he was working for someone.

Q You stayed with Mrs. Duncan, you say? A I really don't exactly know where I was staying when the Wallace roll was made, but I know I had just come home from the Creek Nation, I was working for someone.

Q How much money did you get in 1880? A I only drew for myself and two children, I believe, three children.

Q What was their names? A Lena, William and Malcolm, I believe.

Q Alberty? A No sir.

Q What was their family name? A Lena Blade and William Blade and Malcolm Ballard. I think I drew for myself and three children.

Q How much for each one of the children? A I think fifteen dollars and something. It has been so long I have forgotten. I was young then and didn't pay any attention to these things, and didn't keep any memorandum.

Q Where did you draw that money? A At Braggs Station.

Q Who paid it to you? A I have forgotten the paymaster now, I don't know.

Q But you drew for yourself and those three children? A Yes sir.

Q Were their names on the 1880 roll? A No sir, their names wasn't on the 1880 roll.

Q Are you speaking then of the Wallace payment? A Yes sir, it is the Wallace payment? Wasn't that what you was speaking about?

Q I am asking about the 1880 payment? A Fifteen dollars, I believe. I didn't get the money on the 1880 roll because I was in the Creek Nation. Tuck Alberty drew this money for my grandmother, and I never got it.

Q You say Tuck Alberty got the money in 1880? A Yes sir, he drew for my grandmother and got my money. I never did see it, I wasn't here. I thought you was talking about the Wallace payment.

Q Weren't you here at all in 1880? A No sir, I married in the year 1880, and that spring I went out in the Creek Nation. I wasn't here. I was here in the winter of 1880, but I married, and that spring I went out on a ranch and worked, and when the payment come off for this enrollment I wasn't here. I was out in the Creek Nation on a ranch cooking for Fred Severs, near Okmulgee.

Q You married along about April of 1880? A Yes sir, somewhere along about the spring of the year, and seven weeks after I was married.

Q Did you stay until after Christmas of that year?

A Yes sir, I stayed longer than that.

Q How long did you stay? A I really don't know, quite a while.

TRIM BARKER, being first duly sworn, and being examined, testified as follows on behalf of applicants:

BY COMMISSION: What is your name? A Trim Barker.

Q What is your post office? A Summers.

Q In what district do you live? A We don't have any districts.

Q You live in Arkansas? A Yes sir.

Q Do you know Jennie Ballard? A Yes sir.

Q Who was her father? A A man by the name of Harrell.

Q Was he a colored man? A Yes sir.

Q Was he a state raised man? A I don't know anything about that, he was grown up, I hardly knew him, but so I have been informed.

Q Did you know him before Jennie Ballard was born?

A Yes sir, I knew him before. I was small, but I knew him.

Q Was he a slave? A Yes sir.

Q Who did he belong to? A Harrell.

Q Was his owner a Cherokee? A No sir, his owner was a white man.

Q Where did you live when he was a slave? A Lived in Washington County, right on the line.

Q Was he living there when the war broke out? A Yes sir, he was living there when the war broke out.

Q Living in Washington County, Arkansas? A Yes sir.

Q Did you know Jennie Ballard at that time? A I have only known her since 1872.

Q Who was her mother? A A woman by the name of Martha Alberty, I think that is correct. That is the best of my knowledge. These things have been a long time back.

Q Where was Jennie Ballard living when you first got acquainted with her? A I suppose she was living in Rabbit Track with her grandmother.

Q Where is that? A That is over here in Peavine.

Q In what state? A In the Territory.

Q In what Nation? A Cherokee.

Q How long did she continue to live there? A I went to Kansas in 1874, and when I come back she was living at George Crittenden's in the Territory.

Q When did you come back from Kansas? A I come back in 1875.

Q She was living at George Crittenden's, in what district?

A It was in Goingsnake.

Q How long did she continue to live there in Goingsnake District?

A She lived there from that time until sometime in 1880, when she married, to the best of my knowledge, there at Jack Alberty's. They had cabins on each one of those places, I helped put up one of them.

Q She lived there until she married? A Yes sir.

Q Where did she go then? A Went to Okmulgee.

Q When did she come back to the Cherokee Nation? A It was some three or four years, as well as I recollect.

Q How long did she live in the Cherokee Nation at that time? when she came back from Okmulgee? A She lived there quite a while, I don't know how long. I am just unable to say. She worked in the state, backwards and forwards, and returned home.

Q Did she ever go to Arkansas? A She was ever there and worked there.

Q When did she go to Arkansas the first time after 1880?

A I am sort of of the opinion that ~~she~~ she didn't go to Arkansas until after she came back from the Creek Nation; that is the best of my knowledge about it. It has been quite a long while ago; it seems to me that's the way.

Q About how many years ago is that she went to Arkansas after she came from the Creek Nation? A It is somewhere in the 80s, I don't know just what year.

Q Along in the 80s? A Yes sir.

Q How long did she stay there at that time? A I don't remember that, but after she came back from the Creek Nation she stopped about Mr. Williams' over there, Bob Williams', and her husband worked for a man by the name of Moore out there north of Okmulgee, and he just stayed there quite a while, I don't know how long. Jennie here came back to her grandma's and stopped and stayed there I think until she died. Then she went to his mother's and she stayed there, I don't know how long. I moved then some six or eight miles away, south, I don't know, but the next I heard of her she was down here about Tahlequah.

Q Do you know when she came back to Tahlequah the last time from Arkansas? A I lived about ten miles. I don't know just exactly when she did come back, but it was after - I don't remember whether it was before the payment or not, sometime along in there.

Q Was that the Wallace payment? A I don't know whether it was the Wallace payment or what it was.

Q To the best of your recollection, how many years ago did she come back to the Cherokee Nation from Arkansas the last time? A How many years has it been? Well, I would be safe in saying fourteen, I reckon, sixteen, somewhere along there, since she came back from the Creek Nation.

Q When did she come back from Arkansas the last time? A I am unable to say just when that was. It has been quite a while.

Q How long has she been living at Tahlequah? A She has surely been there as much as ten years; that's the best of my knowledge.

Q For the last ten years? A If that is correct, I may be mistaken but I think that is about it.

Q Have you seen her there during this ten years? A I seen her there, yes sir, making up visits up about Westville, in that neighborhood there. I don't know that I had been to Tahlequah more than once since Jennie has been there.

Q How often have you been to Tahlequah during the last ten years? A One time.

Q When was that? A That is about the time the Wallace enrollment was made.

Q You have not been there since? A Just once since that.

Q When was you there since that? A It has been, I reckon, a couple of years ago.

Q About two years ago? A Yes sir, I think that is correct.

Q What time of the year? A In the fall.

Q Would it be in the fall of 1901? A Somewheres along there.

Q Did you see Jennie Ballard at that time? A Yes sir.

Q There in Tahlequah? A Yes sir, seen her since coming out, going to show, and that's the last time.

Q When did you see her before that? A About the time she went to Tahlequah, I suppose ten years ago. Saw her once in ten years, if I am right, about ten years being the proper time of her coming there.

Q You saw her once about ten years ago, and the next time in the fall of 1901? A Yes sir, about two years ago.

Q How do you know that she has been living in Tahlequah for the last ten years? A By her absence, asnear as I can establish it, by being away from her old neighborhood in and about Alberty's and in the state there where I live.

Q You couldn't say, then, of your own knowledge, that she has lived continuously there for the last ten years? A That is the best of my knowledge, as far as I can get it.

Q You don't know where she went to, between the time you saw her ten years ago, and the time you saw her two years ago?

A I only heard of her being about Tahlequah.

Q Do you know how long she stayed in Arkansas the last time she was over there? A No sir, I don't.

Q Do you know how long she lived there at any one time?

A No sir, I don't. I reckon the longest time she ever lived there was while she was in the infant state. She was over there nursing for Gibson directly after the war to my knowledge.

Q How long did she stay there then? A She couldn't have stayed over a year or a year and a half. She was with her grandmother there at that time.

Q Do you know of her having property in the Cherokee Nation?

A To the best of my knowledge, when she come from Muskogee, or from Okmulgee back, there was a portion of her things left at her grandmother's.

Q Where was that? A That was at Bob Williams' in Goingsnake District.

Q When did she leave property there? A When she was on her move back from the Creek Nation.

Q That was several years after 1860? A I suppose she did. I couldn't be right positive, but circumstances makes me believe she did. She went to her husband's mother, in the house, and I suppose left part of her things at Martha Williams' or John Harrell's, or whichever you might call it.

Q How do you know that she left some of her things there? A I suppose she did. I just heard she did, I don't positively know it, but I have a right to believe it, simply because her mother-in-law just had a little house -

Q You didn't see any of the things? A No sir, I didn't. I couldn't tell you that I did.

Q Did you ever see any property at any time since 1880 that she left in the Cherokee Nation? A I have been to her house, where her property should have been if she had any, at her grandmother's.

Q You don't know? A No sir, I just don't know, but I believe it.

Q Where was she living in the spring of 1880? A To the best of my knowledge she was at Crittenden's, either at Crittenden's or Alberty's now, I wouldn't be positive.

Q Which Alberty's? A Jack's.

Q You don't know whether she was living at Crittenden's or Jack Alberty's? A One of them two places.

Q Do you remember when the census takers came around in 1880?

A No, I can't tell you when they came around in 1880, but my understanding is that she was taken in the 1880 census.

MR. HASTINGS: You are not a citizen? A No sir, I no citizen. I was right on the line there.

BY COMMISSION: Where were you living in 1880? A I was living in Washington County, Arkansas.

Q Have you lived there ever since? A Ever since, not exactly at the same place where I was living at the time she lived there, but five miles away at present.

Q How long have you lived in Washington County, Arkansas?

A I have lived in there all of nine years. I am living - I am fifty-six years old next birthday.

Q You have lived there the last forty years, haven't you?

A Principally right in the neighborhood at that place.

Q Have you ever lived in the Cherokee Nation?

A I lived in the Cherokee Nation one year.

Q When was that? A That was in 1871.

Q Where did you live? A In Sequoyah.

Q Since 1871 you have never lived in the Cherokee Nation?

A No sir, never have.

Q How far did you live from Jennie Ballard in 1880?

A I lived, I suppose, three-quarters of a mile.

Q You were on one side of the line and she was on the other?

A Yes sir.

Q Did you ever know Nicey Alberty? A Yes sir.

Q Was she a colored woman? A Yes sir.

Q Was she any relation to Jennie Ballard? A She was her grandmother.

Q Did Nicey Alberty have a husband at that time? A No sir.

Q What was her husband's name? A I don't know.

Q Who all was living in Nicey Alberty's family in 1880?

A There was her daughter.

Q What was her name? A Gene.

Q Gene Alberty? A Yes sir.

Q Who else? A Jennie.

Q Jennie what? A She was Alberty herself at that time.

Q Who else? A Rosa.

Q Rosa Alberty? A Yes sir.

Q Who else? A Jeff, her grandson, Jennie's brother.

Q They were all living together in 1880, were they? A Yes sir.

Q Do you know whether Jennie Alberty has an aunt? A Yes sir.

Q What is her name? A Gene was what I always heard her called.

Q Where was this aunt living in 1880?

A She was living with her mother.

Q What is her mother's name? A Nicey Alberty.

Q Was she living there in Coingsnake District too? A Yes sir.

Q Was she living in the same family then with Jennie Ballard?

A Yes sir.

Q How much older is this aunt than this woman?

A I suppose she must be six or eight or ten years older. That is my judgment about it.

Q Did this woman go by any other name besides Jennie Alberty?

A She goes by the name of Jennie Ballard now.

Q Did she ever go by any other name than Jennie?

A No sir, none that I ever heard of, Jennie Ballard, and she married of course.

Q Before she was married she was always called Jennie Alberty, was she? A Always.

MR. WHITE: You have known this woman since 1872? A Yes sir.

Q Do you remember the time when she was working over in Arkansas?

A Oh yes.

Q Now during that time, did you consider that she lived in Arkansas.

Mr. Hastings: I object to that.

Q How long did she stay over there at any one time, to your knowledge? A She couldn't have stayed long, for her mother was mostly in the Territory at the time. Just to tell you the truth about it, tell you as near as I can about it, she was one season, the season of 1874, her grandmother came up to George Gibson's and lived some part of the time. I went to Kansas in '74 and come back in '75 and found them in the Territory in '75. They couldn't have stayed long. They just went over there to make their living, that's the fact of it.

MR. HASTINGS: You just knew her in '72? A Yes sir.

Q Where was her first child born? A It was born, the first child, on Jack Alberty's place.

Q When? A It must have been, to tell you as near as I can, it was in ~~the~~ the 80s.

Q 1882 or '83 A I wouldn't say just what, but somewhere in the 80s I know.

Q Are you positive about that? A Yes sir, I think I am.

Q Now uncle, do you know anything about time or dates?

A I do if I try to keep them, but on this occasion I didn't try to keep them.

Q Don't you know she had a child born long before 1880?

A It might have been.

Q That shows you don't know much about the year 1880, do you?

A I know that her second child was born in the 80s.

Q I am asking you about the first child? A

A It may be possible that it wasn't out of the 80s, it may be that.

Q Now, do you know? A I am not trying to affirm it hardly, because I don't know.

Q I am asking you now if you don't know?

A I say I tell you I don't know just when her child was born.

Q And yet you know so much about this woman?

A About her second child? A Her grandmother' and her aunts went away, and I visited the place -

Q How about her first child? Do you know where it was born?

A Yes sir, I do.

Q It was born at George Crittenden's? A Yes sir

Q You lived over in the state? A Yes sir.

Q You never had any right here? A No sir.

Q Never claimed any? A No, don't know anything about it.

Q You never had any occasion to enroll on the 1880 roll? A No sir.

Q Nor the Wallace roll? A No sir.

Q Nor the 1896 roll? A No sir, I don't know anything about the Indian affairs.

Q You don't know anything about the rest of those little Indian payments? A Never heard.

Q You don't know about them? A No.

Q You never testified in this case? A No sir.

Q You are a colored man? A Yes sir, nigger.

Q I want to know if you know of your own personal knowledge about her effects, or did you see some effects in her grandmother's house?

A Just simply because she was there. It was said she had some things there.

Q You don't know of your own knowledge?

A No sir, I couldn't be positive, but I have a right to believe.

Q This woman testifies herself that she lived in Arkansas, and come from there about five years ago down to Tahlequah, and yet you testify you never saw her around up there? A I told you I moved away some distance, where I wasn't likely to see her.

Q When did you move away? A I went away from there sometime in 1888, when I left the neighborhood.

Q How far did you move away from there? A About seven miles.

Q Since that time you don't know much about it?

A Just know she is backwards and forth down here to Tahlequah.

Q You never saw her here but once?

A Just saw her once, saw her coming away.

Q You don't know of your own personal knowledge where she lived?

Q No sir, just had a right to believe I know.

Q I am asking what you know? Did you ever see this woman keeping house in the Cherokee Nation separate and apart from her grandmother? Never have been to her house, outside of her grandmother's house, I told you.

Q Do you know when her grandmother died? A Yes sir.

Q When? A I think it was about, as well as I can recollect, it was in 1886.

Q When did her mother die? A I don't know, it was before the war.

JACK FUNKHOUSER, being first duly sworn, testified as follows on behalf of applicants:

BY COMMISSION: What is your name? A Jack Funkhouser.

Q How old are you? A I am fifty-two.

Q Where do you live? A I live in the state.

Q What state? A Arkansas.

Q What country? A Washington.

Q What is your post office? A Summers.

Q How long have you been living in that county?

A Well sir, I was born and raised there.

Q Never lived any place else?

A I have been to different places for maybe five or six months.

Q You never lived in the Cherokee Nation?

A I lived here in the Cherokee Nation during the time of the war.

Q Have you ever lived in the Cherokee Nation since the war?

A No sir, only just in and out.

Q Do you know Jennie Ballard? A Yes sir.

Q How long have you known her? A When I got acquainted with Jennie Ballard it was in '66. She came in on the farm I was working on with her owners, which is John Alberty and Mose Alberty, and his son Jess.

Q Where did you see her at that time? A I seen her right there in three miles of Cincinnati, south of Cincinnati.

Q In Washington County, Arkansas?

A Yes sir, that was in '66.

Q What time of the year was that? A It was in the spring.

Q How long did she stay there at that time? A The parties that vrought her there, they stayed until fall. They made a crop on the same place I worked on. Then in the fall they moved over into the nation to their own homes. They caused them to rent there, the farm was all burnt out, they had no fence. They just got their crops in the state, and then moved back in the nation.

Q What nation? A Cherokee nation.

Q How old was Jennie Alberty at that time? A I wouldn't say how old she was, because she was a small girl, nothing but a small kid. As for her grandmother, I couldn't say what age she was, I don't know. Of course I could n't state her age unless I knew it.

Q You didn't know her at the beginning of the war, did you?

A No sir, I didn't know her at the beginning of the war. I knowed her mother, though.

Q Did you know Jennie Ballard in 1880? A Yes sir.

Q Do you know when she got married? A I couldn't.

Q Do you know whether she was ever married?

A Yes sir, I know she was married.

Q Do you know how long ago that has been? A I don't know whether it was in 1870 or 1880 she married, couldn't say.

Q Where was she living when she married?

A She was living there with her mother between Jack Alberty's and Buffington's.

Q You say she was living with her grandmother? A Yes sir.

Q Was anybody else living in the family? A Her brother.

Q What is his name? A Jeff.

Q Jeff Alberty? A Yes sir.

Q Who else was living in the family? A Her daughter. She had a daughter by the name of Rose.

Q That is Jennie Ballard's daughter?

A No sir, that is her grandmother's daughter.

Q Who else was living in the family besides those you named?

A She had a son, but then he wasn't living there with her at that time. I don't know where he was living at that time.

Q Did you ever hear this woman called anything except Jennie?

A I have heard her called Jane.

Q When was she called Jane? A They used to call her Jane when she lived out there where I was, where the Alberty's made a crop and held her there.

Q Which name was she generally known by, Jennie or Jane?

A I suppose we mostly called her Jennie, but her grandmother called her Jane.

Q Were you ever at her grandmother's house? A Yes sir.

Q When? A I helped to put up her little hut.

Q Were you ever there before 1880? A Yes sir, I was.

Q Did you see this woman there? A Yes sir.

Q Where was - do you know whether this woman had an aunt or not?

A Yes sir.

Q What was her name? A Eugenia.

Q Was she ever called by any other name except Eugenia?

A If she was I don't know it.

Q Where did she live at the time this woman was living there with her grandmother in 1880? A If I make no mistake, she was living with a man by the name of Thompson.

Q This woman's aunt, then, wasn't living with Niecey Alberty in 1880?

A No sir, she wasn't at that time.

Q Did she live there at any time during 1880?

A If she did, I don't know anything about it.

Q Was this aunt married in 1880? A No sir.

Q You say she was living with a man?
A She was working for a man by the name of Thomasson.
Q What was his first name? A Tiff.
Q Is he dead now, or alive? A He is alive.
Q Where does he live? A He lives in the state.
Q What is his post office? A Cincinnati, I suppose.
Q Is he a white man? A Yes sir.
Q You think he lives in Cincinnati, Arkansas? A Yes sir.
Q When did Jennie Ballard first go to Arkansas after 1880?
A She was there in '66.
Q After 1880? A Jennie Ballard come here in the Creek Nation, right after she married she come into the Creek Nation. I don't know but what she stayed out here four or five years. I aint certain how long she stayed out here, but I know she stayed here in the Creek Nation, then she come back to her grandmother's.
Q When did she first go to Arkansas after 1880?
A I don't remember.
Q When was she in Arkansas the last time to work or live?
A The last time to live? She was there a while in 1880.
Q How long did she stay then?
A She never stayed there very long.
Q What time of the year was that? A In the fall.
Q After she was married? A That was a long time after she was married, five or six years, I guess; then she came right back into the Territory again.
Q You think she was married five or six years after 1880?
A I think she was married somewhere along in the 70s.
Q When did you see her in Arkansas the last time? A I don't know.
Q How long has that been ago, that you ever saw her in Arkansas?
A Yes sir, I saw her in Arkansas.
Q When did you see her the last time? A Last Spring.
Q How long had she been living there at that time?
A She didn't live there no time. She come up there one week and back the next week. I believe she came right back the same week.
Q When was the last time I seen her there?
A I couldn't tell you nothing about the last time she was there to live, because when she come over there why she never would stay there no time. She always held the Cherokee Nation her home and come right back over there.
Q Did she ever stay in Arkansas as much as a month?
A I guess she has stayed there - I don't know, I couldn't say how long she stayed at her grandmother's. You know she was at her grandmother's, her mother-in-law's, I mean.
Q At her mother-in-law's? A Yes sir.
Q What is her mother-in-law's name? A Ballard.
Q Mammie Ballard? A Maria Ballard.
Q How far did you live from there, from Maria Ballard?
A About three miles. I never said Mammie Ballard, Maria Ballard.
Q Do you know how long - what is the longest time she ever stayed in Arkansas at one time since 1880? A I don't remember, I wouldn't say. Of course I was sort of like a wild horse. I baffled around a good deal myself.
Q Have you been right there since 1880 all the time?
A I have made that my home, but still I was traveling around different places, but then that is my home.
Q You have not been there since 1880 then all the time, have you?
A No sir, I have been in and out once in a while.
Q Do you know where Mammie Ballard has been living for the last ten years? A Down here at Tahlequah, as far as I recollect.

A Right at Tahlequah for the last ten years, has she?

A I don't know just exactly where she has been there ten years or not, but I know she has been in the Territory. I couldn't keep up where she has been in the Territory.

Q Has she lived in Arkansas any time during the last ten years, since 1893? A No sir, she has been making her home here.

Q She has not lived in Arkansas at all since 1893?

A Not to my knowing.

Q Do you know where she has lived during the last ten years?

A I wouldn't begin to say where she has been living. She has been living in the Territory, but I couldn't say whether she has been living at one place or different places.

Q How often have you seen her during the last ten years?

A I don't know that either. I seen Jennie several times, a good many times. I used to peddle at Tahlequah, and I seen her a good many times at Tahlequah.

Q When did you see her there the last time?

A January, last January.

Q When did you see her before that? A I haven't seen her all the time before that. Of course that's the last time. I aint been to Tahlequah for a year, since I was there last January. Before the railroad come to Tahlequah I peddled there every fall. Jennie was living there in Tahlequah then.

Q You mean the Ozark & Cherokee Central Railroad? A Yes sir.

Q Before that was built you peddled every fall in Tahlequah?

A I peddled a good deal right in Tahlequah, from Tahlequah to Okmulgee, and to this place.

Q Did you see Jennie Ballard there every fall?

A I wouldn't say to see her every fall. I seen her off and on. Of course when I come to Jennie's house I would see her, and other times I have been to her house and wouldn't see her.

Q How did you know she was some place else in the Cherokee Nation?

A Just by asking the people. They said Jennie was gone.

Q I mean of your own knowledge. You didn't know of your own knowledge where she was? A Oh no, I didn't know. I know she always held the Cherokee country for her home. Of course I had no forethought of studying about where she is living in the Territory. I know she belonged to the Territory.

MR. HASTINGS: What year is this? A '93.

Q How old are you? A Fifty-two.

Q Have you ever been up before the courts?

A No sir, this is the first time I was ever before the court.

Q Ever arrested? A No sir.

Q You are a colored man, are you? A I am a nigger. I aint a colored man at all, just a natural nigger.

Q How long have you lived in the vicinity of Cincinnati?

A Lived there fifty-two years.

Q When was the last time you knew Jennie Ballard to live in that vicinity and work there? Has she worked around there in the last ten years? A I don't remember.

Q You don't recollect about that? A No sir.

Q Don't you know she ~~lived~~ left there about three years ago and come down to Tahlequah? A No sir.

Q She swears herself she left there five years ago. How about that? Are you prepared to dispute that?

A Just let me study a while.

Applicant: Five years.

Q The applicant has just interrupted and stated the time?

A No sir.

Q Didn't you hear her say just now, in the presence of the Commission - A Yes sir, I heard her say.

Q Before that you hadn't seen her for ten years? A Yes sir.

Q At work? A I haven't seen her at work.

Q You never saw her at work in your life?

A Yes sir, I have, many a time.

Q You think she married about 1870?

A Yes sir, somewhere along about there.

Q Is that your best idea about dates?

A Yes sir, I aint no reading man, and don't keep no record.

Q You have got no occasion to know about dates, do you? A No sir.

Q You don't know about how long ago 1880 was, do you?

A I reckon I do.

Q Did you have occasion to remember the year 1880? I ought to have.

Q Why? A I had a wife that I ought to know something about that, because she belonged to the Nation.

Q In 1880? A Yes sir.

Q You know that in 1880 she had been married ten years, from 1870?

A I didn't say I knowed it.

Q What do you know about it? A I said I know she was married.

Q About when was she married?

A I couldn't tell. I couldn't say what year, because I don't know.

Q Has she any children? A Yes sir, she has got children.

Q What is the oldest child's name? A Bill.

Q When was he born? A I don't know. I don't know when none of her children was born.

Q Where was he born? A He was born there by Alberty's, between Jack Alberty's, I think, and Buffington's.

Q Do you know where he was born? You say you thought he was born -

A I don't know that he was born there, but I heard it said he was born there, by the old lady that was there.

Q Was she married when William was born? A No sir, she wasn't.

Q Where was Malcolm born?

A Malcolm was born there in the nation, I guess.

Q Do you know? A No sir, I don't know it.

Q You don't know where he was born? A No sir.

Q You don't know where she was living? A I know where she was living when Bill was born.

Q I am talking about Malcolm. Do you know where she was living when Malcolm was born? A No sir.

Q What is the next child, if she has got one? Has she got another child besides Malcolm? A Yes sir, Kitty.

Q Where was Kitty born? A There in the Territory.

Q Where? A At Buffington's.

Q You swear that now of your own knowledge?

A No, I wouldn't swear it of my own knowledge, because it is hearsay. I wouldn't swear she was home, I wouldn't swear it.

Q Has she an other child except Will, Malcolm and Kitty? Has she another child? A Of course she has.

Q What are their names? A Spate.

Q Where was Spate born? A I don't know where he was born, whether he was on in the Creek Nation or where.

Q You haven't kept up with her residence very much, have you?

A No sir.

Q Has this woman ever kept house in Gingsnake District?

A I can't say that, I know she lived in the Territory.

Q Did she ever have a separate house, keep house up there away from her grandmother? A Not to my knowledge.

Q You never did know of her keeping house up there, her and her husband, separate and apart from her grandmother? Answer that yes or no. A No sir, I don't know.

Q What were you peddling every fall, whisky?
 A If I was peddling whisky?
 Q You said you was peddling?
 A Peddled flour
 Q When did you first see this woman keep house at Tahlequah, what year? A I couldn't say what year.
 Q To the best of your knowledge, what year? A I don't know whether it was 1893 or '94.
 Q You don't know what year it was, do you? No response.
 Q Have you ever been at her house?
 A Yes sir, I have been at her house.
 Q How many times? A I don't know.
 Q About how many? A I don't keep no record of it. I was at her house, though.

KY LITTLE, being first duly sworn, testified as follows on behalf of applicant:

BY COMMISSION: What is your name? A Ky Little.
 Q How old are you? A I don't know exactly how old. I am something over fifty, I guess.
 Q Were you born before the war? A Yes sir, I was twelve years old when the war come out.
 Q What is your post office? A Summers.
 Q In what county and state is that? A Washington.
 Q What state? A Arkansas.
 Q Washington County, Arkansas? A Yes sir.
 Q How long have you lived there? A Raised there.
 Q Lived there all your life? A Yes sir.
 Q Ever live in the Cherokee Nation?
 A No sir, lived right on the line of the Cherokee Nation.
 Q How far from the line?
 A It is said to be about four miles, hardly so far.
 Q Lived right there in the same place all your life, have you?
 A Yes sir, right there all my life. Was never out of there only one year, that was in the time of the war, the last year of the war.
 Q Where did you go then? A Went to Texas. Peace was made and I come back and been't here ever since.
 Q How long have you known Jennie Ballard?
 A I have been knowing Jennie Ballard ever since about the war.
 Q When did you first get acquainted with her?
 A When I first got acquainted with Jennie Ballard ut was at old Uncle George Gibson's place.
 Q When? A Well, I couldn't -
 Q Was it after the war? A Yes sir, after the war.
 Q How long after the war? A I suppose it might have been four or five or six years, though I couldn't tell you exactly how long after the war.
 Q Who was she living with at that time? A I got acquainted with her
 Q Yes, who was Jennie Ballard living with then? A When I first got acquainted with her her home was with her grandmother. Her grandmother was named Niece Alberty, and when I first saw her she was at old Uncle George Gibson's. Her grandmother lived right across the line there, and that was her home, over in the Territory. She made that her home, but she was working backwards and forwards into the state once in a while.
 Q Where did George Gibson live? A George Gibson lived right on the line. The line run right by his door, so said.
 Q What is Jennie Ballard's father's name? Who was her father?
 A I couldn't tell you who was her father.

Q Who was her mother? A I wasn't acquainted with her mother. Her mother died during the war.

Q During the war? A Sometime during the war, the last year of the war or sometime. I never did see her mother. I saw her grandmother and the rest of the folks.

Q Have you known of her continuously since that time, since ~~she~~ you first got acquainted with her, five or six years after the war?

A Yes sir.

Q Have you seen her often? A No sir, I never seen her. I seen her when she was over there, and she has been backwards and forwards in the Nation nearly all the time. She stayed a while at Cincinnati, and she is backwards and forwards in the Nation. Of course I couldn't see her all the time. When she was married, of course-

Q When was she married? A She was married in a '70, I think.

Q 1870? A Yes sir, I think.

Q Has she ever been married more than once?

A No sir, not as I know of.

Q Where was she living when she married?

A When she married she was living with her grandmother.

Q Who else was living in the family at that time?

A Gene was living with her, that's her aunt., and she had an other daughter, her grandmother did, named Rose, and a young fellow by the name of Jeff Alberty, all living there together.

Q What was Rose's family name? A Rose, she married.

Q What was her surname? Was it Rose Alberty?

A Yes sir, Rose Alberty.

Q What name did Jennie Ballard go by in 1880 before she was married? A She went by the name of Jennie Alberty.

Q She was always known by that name? A Yes sir.

Q Never known by any other name? A No sir, never was known by any other name.

Q How long did she stay there after she was married?

A I couldn't tell you exactly how long, but she didn't stay there very long after she was married.

Q Where did she go? A She went to Okmulgee to old Fred Sever's.

Q Did she come back during that same year? From Okmulgee?

A No sir I don't think she came back there the same year. When she come she didn't come there in the State then.

Q How many weeks before or after she was married before she left for Okmulgee? A I don't expect it was more than - might have been seven or eight weeks, I wouldn't be certain, it was about that.

Q This woman you call Gene what was her full name? A Eugene.

Q Was she the aunt of Jennie Ballard? A Yes sir she always went by the name of Eugene.

Q How much older was she than Jennie Ballard? A I couldn't tell you but she is right smart older than Jennie.

Q Was she four or five years older? A Yes, probably older than that. She was living there with the same family of Jennie Ballard?

A Yes sir, she was living there in the same family. She considered that her home. She hired out you know, but that is her originate home.

Q I am talking now about this Jennie Ballard's aunt? A That's what I am talking about, she made her home, but then she was hired out like people does, she was hired and she worked over there for a fellow by the name of Thomassen.

Q Where was this Eugene Alberty when this woman Jennie got married?

A Let me study on it, I couldn't be positive, but it pears like to me, whether she was over in the territory at Thomassen or not I wouldn't be positive. She may have been at Thomassen's but she was over in the nation.

Q Do you know where Eugene Alberty was living when Jennie Ballard was married? A Her home was with her mother.

Q I am asking where she was living when Jennie Ballard got married? A That is what I am trying to study for certain, but it seems like to me - I am just trying to locate her just where she was at.

Q I am asking if you know where Eugene Alberty was living when Jennie was married? A Yes sir, I know what you asked?

Q Do you know? A I can't - but then I believe she was living over here in the Territory.

Q Was Eugene Alberty living with her mother Nancy Alberty at the time this woman got married? A That was her home, that was where she lived when she got married, when she wasn't working out.

Q Did Eugene Alberty stay with her mother during the time this woman was in Okmulgee? A Yes sir, she was backwards and forwards with her mother.

Q Did Jennie Ballard ever live in Arkansas? A Yes sir, she lived in Arkansas.

Q When did she live there? After she got married when did she live there? A After she got married? After she got married she went to Okmulgee and moved back and come back and stayed in the Nation. The old man he didn't come on. He stayed quite a while, pretty near all the fall and she stopped over to her grand-mother's and stayed. Then they come on after he come and stayed in the State Nation a while and back in the Nation a while then. She didn't make that her home, I know here, she has been backwards and forwards to the nation.

Q How long did she stay over to Okmulgee? A I guess she must have stayed over there something over a year I guess.

Q Over a year? A Yes sir, I guess she did.

Q She didn't stay any longer than that? A I don't know whether she did or not.

Q After she come back from Okmulgee, how long did she stay in the Cherokee Nation? A I guess she stayed in the Cherokee Nation after she come back from Okmulgee, I guess she stayed there seven or eight months until late in the fall over here at her grandmother's.

Q She left there the same fall she came back from Okmulgee? A She come back from Okmulgee and stayed at her grand-mother's.

Q What nation? A Cherokee Nation.

Q How long did she stay there? A I guess she must have stayed 7 or 8 months at her grand-mother's.

Q Where did she go? A She went then over there to the State.

Q What State? A Arkansas.

Q How long did she stay in Arkansas at that time? A I couldn't tell you exactly how long she did stay in Arkansas.

Q Five years? A No sir, I don't guess she stayed that long.

Q One year? A I guess longer than one year, I couldn't tell you.

Q Your best judgment how many years she stay in Arkansas at that time? A I couldn't tell you exactly, but it was between two and three years anyway, I will say that anyway.

Q Did she have any property in the Cherokee Nation when she went to Arkansas that time? A She had some few bed clothes over there at her grand-mother's.

Q Do you know of your own knowledge that she had any property? A I know of my own knowledge that she had clothes there for she stayed with my wife during the time my wife was sick and I know she brought some bed clothes over there and she taken them back with her, had them hauled back. Had that kind of property there.

Q When was that? A That was along then, when she had that property there, that was before she was married you must remember.

Q After she was married she do you know of her having property in the Cherokee Nation? A After she was married?

Q Yes. A Yes sir, she had property after she was married, she had property at Tahlequah.

Q When was that? A That was during about the time before payment that come off. Had property there then before it come off.

Q What payment is that? A That was - I couldn't tell you. That was that last payment that has been made you know.

Q What kind of property did she have? A She had bedding and some furnitue of some kind, some plunder, I couldn't tell exactly, but I know she had property of some descri ption of that kind, but just to tell you what furniture what it was I couldn't tell you that.

Q Where does she live now? A Down here at Tahlequah.

Q How long has she been living there continuously? A To my knowing she has been at Tahlequah seven or eight years.

Q All the time during the last seven or eight years? A I reckon, she comes over there in the State and visits or something and comes back.

Q She hasn't lived over in Arkansas during the last eight years then has she? A No sir, I don't think she did. I think if I aint mistaken for the last seven or eight years she has made her home - I know she has been as high as seven years ~~xx~~ if not longer, over here in and about Muskogee.

Q How do you know she has lived there the last seven years?

A I know she has not been in the State, been out of there and I supposed she was in the nation.

Q You are positive she has not lived in Arkansas for the last seven years? A At least I think that would be about right. Of course just

to come back to the record and come up all about it I couldn't come down to the fact of it and say that for certain. Of course I know she has been anyway in Tahlequah quite a while, ever since the payment, before the payment. Before the payment come on she has been living there, and you know pretty much how long that has been. She has been living in the Nation ever since.

Q Has she ever lived in Araksas since she was ~~been~~ married?

A Yes sir ~~xxx~~ since she has been married.

Q When? A She went over to Okmulgee and come back and stopped in the nation awhile at her grandmother's., and stayed there awhile and then moved to the State.

Q How long has she lived in Arkansas altogether, since she was married? A I don't believe I could tell you exactly.

Q Has she lived in Arkansas during the last ten years?

A I don't know whether she's made that her home --

Q I am asking you whether she has lived there during the last ten ye

years? A In Arkansas, made that her home?

Q No, I am asking you if she has lived there, do you know?

A I can tell you like this, ~~if she~~ after she moved off and come back to the State -- she went out to the Creek Nation and come back to the Cherokee Nation and stayed there quite awhile and then went back to the State and stayed there; then backwards and forth to her grandmother's; her home all during the time when she was working out for other people, they lived on the Creek on a little place between Mrs. Buffington's and Crittenden's on the Creek down there. I know she lived there, she has been living in the Nation pritty nigh all her life, except she may have been out maybe ten or 12 years out of the nation, maybe not so long. But she couldn't have lived in the State more than ten years at the outside.

Q Did she ever live in Arkansas for 8 or 9 years at one time?

A As I say, she couldn't have lived in the State more than 8 or 9 years at the outside, and she didn't live there that long. She didn't stay there 9 years.

Q Did she ever live there at one time, that is what I am speaking about now? A I don't think she ever lived there that long. She might have stayed there that long.

Q Did she ever stay there that long, 8 or 9 years at one time?

A Not altogether just to say stay there and not go anywhere else. She has been there probably that time.

Q When did she stay there that long? A She stayed there that long after she married.

Q How long after she married? A I couldn't go on and tell you about how long.

Q Was that after she came back from Okmulgee?

A Yes sir. She come back-- and I undersyand, I know so, she stayed there all the time.

Q Well, did she stay there? A She stayed there and didn't go anywhere else, only back over to her grandmother's of course, just like people would go to their folks.

Q During those 8 or 9 years didn't she stay there more than she stayed any place else? A More than she did any where else?

Q Yes? You said she probably stayed there 8 or 9 years at a time after she was married. Did she stay there more than she stayed any where else?? A No, she couldn't. She didn't stay there -- you mean did she stay there in the State more than any where else, in preference to anywhere else?

Q How often have you seen her during the last ten years?

A I have seen her several times.

Q How often have you seen her, see her every year?

A At Tahlequah, every year I wouldn't say. I see her when I come to Tahlequah.

Q How often did you go to Tahlequah? A Sometimes I would be there once a year. Sometimes I wouldn't see her for a year, but then I know she was in Tahlequah, and sometimes she would come up from Tahlequah.

Q How many years has it been since she stayed in Arkansas 8 or 9 years at one time? A In Arkansas?

Q Yes? A As I say I just couldn't go and tell you how long it has been.

Q You know it is since she married? A Yes sir.

BY APPLICANT: Did you say 8 or 9 years at one time?

A No, not at one time. I couldn't say that you stayed there all the time.

BY COMMISSION TO APPLICANT: If you want to ask him any questions you may ask him now.

BY APPLICANT: No, I don't want to ask him any questions, only you are trying to make him say I was out 8 or 9 years at one time.

MR. HASTINGS: What year is this, uncle? A Lets see, I couldn't tell you.

Q You are a colored man? A Yes sir, but I'm not educated or nothing.

Q You don't know anything about dates do you? A No sir, that 's just the fact about it.

Q You don't know a thing about the year this woman was married, do you? A The year she was married?

Q Yes? A No, just to come to the facts and tell about it.

Q You know that? A No sir.

Q You don't know, do you? A No sir, I couldn't be positive just about the date.

Q You couldn't tell within 5 years of the time she married?

A No sir, just to come down to the date, I couldn't do it.

Q You don't know when her grandmother died, do you? A No, I couldn't tell.

Q You couldn't tell within 5 years, could you?

A I could if I kept account of the years.

Q Lets see if you do?

A I don't know when she died.

Q You couldn't tell within 5 years? A No sir.

Q You couldn't tell within 5 years of the time this woman married, could you? A No sir.

Q You never saw this woman keeping house separate and apart from her grandmother? In the Cherokee Nation, did you?
 A Separate and apart?
 Q Away from her grandmother? A No sir.
 Q You did know of her keeping house in the states after she married? A Yes sir.
 Q She and her husband? A Yes sir, I knewed she lived with her grandmother before that.
 Q She never keep house separate and apart from her grandmother?
 A No sir.
 Q You did know of her keeping house over in Arkansas, didn't you? A Yes sir.
 Q You couldn't tell within 5 years? A No sir, just to come down to the facts, I couldn't unless I was posted and knew all about it. You can't find many that does know all about it.
 Q You don't know much about it, do you?
 A All I can tell you about it that I knewed her when she lived in the nation.
 Q When she lived with her grandmother? A And, no, she belonged to the Alberty's.
 Q You knew her when she lived with her grandmother? A Yes sir.
 Q You knew her when she worked for George Gibson? A Yes sir.
 Q In the states? A Yes sir.
 Q You knew her when she worked for the Harrell's, did you?
 A Yes sir. No, she never worked for Harrell's, she worked for Gibson's. Eugene worked for Harrell's.
 Q You think this woman married as early as 1870? A 1870?
 Q yes? A To come right down to the dates, of course I couldn't come right down to the dates, but of course I know when she married.
 Q Which comes first, 1860 or 1870, do you know? A '70, isn't it?
 Q 1870 comes first? A Yes sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Sworn to and subscribed before me this 21st day of November, 1903.

Charles H. Sawyer
 Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 8, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application
for the enrollment of Jeff Ballard as a Cherokee freedman.

ROBERT RATLIFF, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

Q What is your name? A Robert Ratliff.

Q How old are you? A 34.

Q What is your post office? A Wahlequah.

Q Are you a citizen of the Cherokee Nation? A No sir.

Q Do you know Jennie Ballard? A Yes sir.

Q Is this her present home? A Yes sir.

Q Do you know her children? A Yes sir.

Q Did she have one that died? A Yes sir.

Q What was its name? A Jeff Ballard.

Q About how old was he when he died? A Well, I don't know just
about how old he was.

Q About? A He looked to be between 18 and 20, he was quite a young
man.

Q Do you know when he died? A Yes, he died,—he was buried on
the 9th of September, died about the 8th as near as I can come
at it. I officiated in the burying of him.

Q What year was that? A That was in 1902.

Q Where was he buried? A Wahlequah, one mile east.

Q Was he buried in the cemetery? A Yes sir, in a neighborhood
cemetery out there.

Q By what name is the graveyard known? A Ross Graveyard I suppose.

Q Named after whom? A Uncle Ike Ross set that piece of ground
off for a graveyard, and I guess that is what it goes by.

Q About a mile east of town? A Yes sir.

Q Are you any relation to Jeff Ballard? A No sir.

Q Are you sure as to the date of his death? A I think I am,
I keep a record I guess of everybody I bury. I have been follow-
ing that business for the last 12 years, of everybody I have
buried up until the present time.

Q Have you your record with you? A No sir, I haven't the record,
I have a little sketch but I haven't got the big book that I keep
everybody's name in that I buried. Here is a record of it.

Q You have hear a book in which there are numerous items of differ-
ent character among them upon one page a number of names with
dates of death, what are they supposed to represent? A Nothing
I just keep sketches of them.

Q What do they represent? A Nothing, just put them down.

Q Well I know, do they represent the names of people who died?
A Yes sir, all the as people here you see the names of are people
that died and I officiated in burying them.

Q When were these entries made in this book? A They have been
in there ever since the parties died I guess. I just take them
as they died. Whenever I have anything to do with the burying
I just put the names down.

Q Were all these names written down here at the time the parties
died or soon thereafter? A Yes sir, right after the death of
the people. I waited on them and helped bury and see after them
myself.

- Q What is your occupation? A I am just a common laborer.
- Q You speak of officiating at their burial? A I just see after their burial.
- Q You mean just digging the grave? A Yes sir, and getting the coffins and soliciting---
- Q Who do you represent? A No one.
- Q Do you sell coffins yourself? A No sir, I just take interest in such cases like that.
- Q You state you solicit? A I do, I get up burying funds for people that die, poor people that die I take a petition and solicit funds for burying them.
- Q You say each of these items were written down there soon after the death of the parties? A Yes sir.
- Q I will ask you to examine the book and see if the name of Jeff Ballard, this applicant, appears in there? A Jeff Ballard died September 8, 1902, yes sir.
- Q There appears in the book following "Jack Ross, died August the 2, 1902" the entry "Jef Balard died Sep. the 8, 1902." Can you state positively when this entry as to the death of Jeff Ballard was made in there? A Yes sir, right immediately. I guess the same night he laid a corpse. I don't know exactly now but I know I put it in there.
- Q Is the Jeff Ballard whose name appears in there the identical person as this Jeff Ballard the son of Jennie Ballard? A He is the son of Jennie Ballard, and one that I buried.
- Q Who did the writing in that book? A Me, it is mine.
- Q If Jennie Ballard executed an affidavit as to the death of her child, Jeff Ballard, August 14, 1902, are you prepared to state that she is incorrect? A No sir, I aint. I just kept the sketch--I don't know nothing about her statement.
- Q She filed with the Commission an affidavit as to the death of her son on August 14, 1902, are you prepared to state that that is incorrect? A I don't know, I only keep my records, I don't know anything about her records. I only keep a record of people as I bury them.
- Q Are you just testifying from memory? A Yes sir.
- Q Do you remember the circumstance of writing that in that book?
- A No sir, I don't.
- Q Do you know whether it was made right soon after he died? A I don't know, it might have been. I put them in here but can't state the date.
- Q Have you any personal recollection as to the date of his death?
- A No more than this little record.
- Q That is all you are testifying from? A Yes sir. My record might be wrong but I don't believe it is.
- Q Did you buy the coffin in which he was buried? A No sir.
- Q Who did he buy it from? A I don't know anything about it. I helped dig the grave and carried him out in my own wagon.

W I T N E S S E X C U S E D .

JENNIE BALLARD, being first duly sworn, testified as follows,

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Jennie Ballard.
- Q How old are you? A 44 years old.
- Q What is your past office? A Tahlequah.
- Q Are you a Cherokee Freedman? A Yes sir.
- Q Did you have a child named Jeff Ballard? A Yes sir.
- Q Is he dead? A Yes sir.
- Q When did he die? A 1902, September 8.

- Q Are you sure as to the date of his death? A Yes sir. I have no minutes of his death, it is only by experience. I nursed him 12 months during sickness and along in June, July and August was his worse sickness, that is where I got my minutes,--I nursed him those 12 months.
- Q You have no record of his death? A No sir, I kept none only just by experience. In June he began to get worse, July still worse and in August he began to get worse and in September he died of consumption. When the railroad and new bridge came along I stayed at home with him by myself, and at his death I was in bed when he was a corpse.
- Q Are you fixing the date of his death by what some one told you? A Only by experience and what my mind tells me of his nursing.
- Q Have you ever executed an affidavit as to the date of his death? A No sir, I haven't made any, this is my first.
- Q I will ask you to examine this paper I hand you and see whether that is your signature? A Yes sir, it looks like mine.
- Q The paper I handed you was an affidavit signed by you on April 11, 1905, as to the death of your child Jeff Ballard on August 14, 1902? A I told them that I had been told later that he died at that date. When I went to file my youngest boy they asked me if Jeff was my child and I said yes sir, and they asked me if I knew when he died and I told them I always thought he died September 8 but that I had been told he died August 14, but that wasn't they way I always had it.
- Q Then you have signed an affidavit as to his death? A I signed that, no other affidavit.
- Q You were wrong a moment ago when you stated that you never signed any affidavit as to his death? A Yes sir, I was that far, guess I was thinking you meant making an affidavit some other way beside papers in filing. I told them that I had it he died September 8 but I have heard since later----
- Q Let me talk awhile, do you think that you might be wrong as to the date of his death now? A No sir, I never have thought it, I told them then I didn't think it.
- Q Who told you he died September 8, 1902? A Uncle Dan Alberty told me he heard he died September 8.
- Q Who else? A Mr Hicks.
- Q What Hicks? A Mr. Ed Hicks.
- Q He the man that is in the hardware business at Tablequah? A Yes sir.
- Q When was it Dan Alberty told you he died in September, how long ago? A Uncle Dan was there during his death and he always said he died in September, but Uncle Dan told me that Mr. Hicks said he died in August.
- Q You stated a minute ago that Mr. Hicks told you he died in September? A No sir, I made a mistake if I did, Uncle Dan told me that Mr. Hicks said he died August 14, and Uncle Dan said he was surprised that he was satisfied he was died September 8. We were all so surprised----
- Q Now when was it Dan told you that, how long ago? A It was----
- Q Two or three weeks? A No sir, it was sometime last year, it was before I went in to file my boy, that is how some me to state that I thought my boy died September 8 but I had been told later he died August 14, that is what I told the Commissioners when they asked me.
- Q Did you ever try to file for Jeff? A No sir.
- Q Why? A There wasn't any one else filing and they never said anything to me about filing for him.

- Q Was it because you had made an affidavit as to his death before September 1, 1902? A No sir, that wasn't it at all.
- Q Was it because you didn't think he was entitled to anything? A I knew if it was according to his death being in September I thought he ought to be entitled, but really I never paid any attention about it. I have nobody to attend to my business and I never go until I am notified. I raised my children myself.
- Q You are only testifying now as to the date of his death from what people have told you, are you? A No sir, I have told you it is by experience.
- Q How old was Jeff when he died? A 18 year old.
- Q Was he past his 18th year? Was he in his 18th year? A Yes sir.
- Q You are sure of that are you? A Yes sir.
- Q You got a child named Spiva? A Yes sir, Jeff was 15 months older than Spiva.
- Q How old is Spiva now? A 21 years old in April.
- Q You have a daughter named Anna? A Yes sir.
- Q How old is she now? A I guess about 18. I really don't know.
- Q How old is Malcolm? A About 24 or 25, somewhere along there.
- Q You are sure Jeff was in his eighteenth year when he died? A Yes sir.
- Q You applied for the enrollment of yourself and family at Chelsea, I. T. on June 10, 1901, did you not? A Yes sir, I went to Chelsea.
- Q You gave the age of your son Jeff as 18 at that time, is that correct? A (No response).
- Q Was there about two years difference between Malcolm and Jeff? A Yes sir, I suppose so, Two of the boys, just 15 months between the two.
- Q That is Jeff and Spiva? A Yes sir.
- Q From whom did you buy the coffin to bury Jeff? A Mr. Atliiff and some of the folks I think they got the coffin from Mr. Hicks, I was in bed sick at his death.
- Q The coffin was purchased from Mr. Hicks at Tahlequah? A Yes sir, I suppose so.
- Q You paid for it, didn't you? A One of my boys and some of the folks in town paid for it. The oldest boy and the folks in town.
- Q Did you buy his burial clothes at Tahlequah? A Yes sir, they got his whole burial wherever they got one piece they all got.
- Q Well was it bought from Mr. Stapler? A Well I don't know sir, they bought it from the undertaker and paid for it. I didn't have a thing to do with that.
- Q Have you any other witnesses here today? A No sir, no one else here today.

On Behalf of the Commissioner to witness:

You are advised that the hearing in the matter of the date of the death of your child, Jeff Ballard, will be continued until June 28, 1906.

Geo. H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 8th day of June, 1906.

Geo. H. Lesley
Notary Public.

Cherokee Freedman 1345.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 23, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Jeff Ballard as a Cherokee freedman.

APPEARANCES:

For Applicant, No Appearance.

For Cherokee Nation, W. W. Hastings.

ED D. HICKS, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Ed D. Hicks.

Q What is your age? A 40.

Q Post office? A Tahlequah.

Q In what business were you engaged during the months of August and September, 1902? A Well I was in the hardware and furniture business, and we carried undertaking also.

Q Working for the firm of J. W. Stapler & Son? A Yes sir.

Q At Tahlequah, Indian Territory? A Yes sir.

Q Do you know a colored woman in Tahlequah by the name of Jennie Ballard? A Yes sir.

Q Did you know her son Jeff Ballard? A Yes sir.

Q Do you know whether or not he is living or dead? A He is dead.

Q Did you keep a record of the coffins that you sold for deceased people? A Yes sir.

Q Have you that record with you? A Yes sir.

Q I will ask you to examine your record and state whether or not it shows that a coffin was sold for this same Jeff Ballard? A Yes sir, it shows that.

Q Well what does the record show? A The record shows that Jennie Ballard bought a coffin to bury Jeff Ballard, in on the 14th of August, 1902. The record also shows that he died of consumption on that day at 11:30 A. M.

Q Does the record show the date of his burial? A The record shows he was buried on the 15th, the day following.

Q You know that this Jeff Ballard was a son of Jennie Ballard? A Yes sir.

Q He had previously lived there in Tahlequah? A Yes sir.

Q Have you any other record? A Yes sir, this funeral record shows that coffin was settled by a note, they had no money, and our Bills Receivable book shows that identical note.

Q Have you that Bills Receivable book with you? A Yes sir.

Q And it shows that note? A Yes sir, on that day.

Q On the 14th day of August, 1902? A Yes sir, the note was signed by Will Wade and Spade Ballard. Spade Ballard was a brother of Jeff.

Q What does your record show, if anything, about the payment of that note? A It shows that that note was paid. The note was for \$21.00, it was due August 25, 1902, and it was paid in two payments of \$4.50 on the 16th and the balance on August 25, 1902. A 1902, yes sir.

Q Referring back to your record of deaths which you have in your possession what does the record show the date of the death of the person immediate and before the record of the death of Jeff Ballard? A Immediate and before it shows that Clifford Parris, a son

- year old child of Ed Parris, died on the 12th day of August, 1902.
- Q What does the record show of the death of the person immediately following the record of Jeff Ballard? A Immediately following that was James King, six months old child of Jim King, died on the 20th of August, 1902.
- Q This has been in your possession since that time correct? A Yes sir.
- Q You made that record yourself? A Yes sir.
- Q In person? A In person.
- Q You can swear positively it is correct? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Is Jennie Ballard a Cherokee freedman? A Said she is, I don't know, supposed to be, claims to be.
- Q About how old was this Jeff Ballard at the date of his death? A His age was given to me as 18 years old.
- Q I believe you stated you knew him? A Yes sir.
- Q Is that the correct age? A I think it was, yes sir.
- Q There are a great many entries in the book you exhibited, "Record of Funerals," were each of the entries made in this book at the time the coffins were purchased? A Yes sir. When a person came in to purchase a coffin I first got the date of the death and everything. It was merely kept for information. There is no special reason for it.

-----CO-----

Geo. H. Lessey, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Geo. H. Lessey

Subscribed and sworn to before me this 24th day of July, 1906.

B. P. Rasmus
Notary Public.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedman
1345

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 6, 1906

Bell, Hastings and Davenport,

Attorneys for Cherokee Nation.

Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith copy of testimony taken June 5, 1906, in the matter of the application for the enrollment of Jeff Ballard as a Cherokee Freedman. This case has been set for hearing at Muskogee, Indian Territory, on Thursday, June 28, 1906, at which time the Cherokee Nation and the applicant will be permitted to introduce such testimony as they desire tending to show the date of the death of the said Jeff Ballard.

Respectfully,

LMB

Encl. B-7

Commissioner

June 7, 1906.

The Hon. Comr to Five Civ. Tribes,
Muskogee, Indian Territory.

Sir:

Replying to your favor, of June 5, 06 attached herewith, The records kept by me while in the undertaking business, shows the following entry. "Year 1902--Job #52" "Remains of Jeff Ballard--outfit ordered by Jennie Ballard,--age of deceased 18 years,--died of consumption,--died 11:30 A.M. Aug. 14, 1902,--interred Aug. 15, 02,--bought coffin #A 5/9 and gave note for settlement."

If the Commission desires I will come to Muskogee with the record, or will send a sworn copy of same. If I come, I would expect the usual traveling expense. Any further information cheerfully furnished.

Yours very respectfully,

E. D. Hicks.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedman
1346

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 13, 1906

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation.
Muskogee, Indian Territory.

Gentlemen:

For your information there is enclosed herewith
a copy of a letter received from Ed D. Hicks, of Tahlequah,
Indian Territory, dated June 7, 1906, relative to the date
of the death of Jeff Ballard an applicant for enrollment as
a citizen of the Cherokee Nation.

A hearing as to the date of the death of Jeff
Ballard has been set for June 28, 1906.

Respectfully,

IMB

Encl. B-31

Commissioner

REFER IN REPLY TO THE FOLLOWING:

Cherokee
P. 1345

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.



Muskogee, Indian Territory, July 25, 1906.

W. W. Hastings,

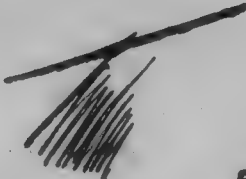
Attorney for the Cherokee nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, June 28, 1906, in the matter of the application for the enrollment of Jeff Ballard as a Cherokee freedman.

Respectfully,



Incl. GL-50.
GHL

Commissioner.

Cher Fr D 660

Cher Fr D 660

Department of the Interior,
Commission to the Five Civilized Tribes.,
Cherokee, I. T. June 16th 1891 1891

Mellette & Smith attorneys for the applicant.

W. V. Hastings for the Cherokee Nation.

In the matter of the application of Ed Vann for enrollment as a Cherokee freedman, he being sworn by Commissioner T. E. Needles, testified as follows:

- Q What is your name? A. Ed Vann.
Q How old are you? A. About 30 years old.
Q What is your post office address? A. Spawinaw.
Q In what district do you live? A. Saline.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. My family has done been enrolled.
Q What is your wives name? A. Rosa.
Q Is your name on the roll of 1889? A. No sir.
Q You haven't been recognized as a Cherokee freedman? A. No sir I haven't

By Mr. Smith:

- Q Who was your father? A. Billy Vann.
Q Who was your mother? A. Beoline Vann.
Q Was Billy Vann a slave? A. I heard he was.
Q Was your mother a slave? A. No sir.
Q She was not? A. No sir.
Q Where do you live? A. On Grand river.
Q What is your post office address? A. Spawinaw.
Q How long have you lived on Grand river? A. All my life.
Q Are you on any of the Cherokee rolls? A. Wallace and Korn rolls.
Q Did you draw strip money? A. Yes sir, Mr. Bell here had me put on the roll.

Korn Clifton roll examined and the applicant found as follows:
Page 145 No. 3391, Eddie Vann, Sooweechawee district.

Wallace roll examined and the name of the applicant found as follows:
Page 145 No 3335, Edward Vann, Belawee district.

Applicant not found on the 1889 and 1890 rolls of the Cherokee Nation.

Examination cont'd. by Mr. Smith:

- Q Was your father on any of the rolls of the Cherokee Nation? A. Not as I know of.
Q Is he dead? A. Yes sir.
Q How long has he been dead? A. I can't say exactly.
Q Where did he live? A. On Grand river, in Saline district.
Q In the Cherokee Nation? A. Yes sir.
Q Do you think that he has been dead more than 20 years? A. Yes sir I think he has, I can't remember him at all.

By Hastings:

- Q I believe you claim your father was a white woman? A. Yes sir.
Q Do you claim your father was a white woman? A. Yes sir.

Q Are you the eldest child? A. The only one that I know of.
 Q Do you know where your father and mother married? A I dont know.
 Q Were they married in Kansas? A. I dont know.
 Q Never heard them say? A. I dont recollect them.
 Q You dont know what town your mother was in in Kansas? A. No sir.
 Q Your father was commonly known as Billy Bewlegs? A I think he was nicknamed that.
 Q When did your mother die? A. I dont know.
 Q Were you old enough to remember it? A. No sir.
 Q Do you remember your father? A. No sir.
 Q Who brought you up? A. Yes Mayfield.
 Q Are you any kin to him? A. No sir.
 Q Where did you marry? A. On Grand river in Saline district.
 Q When you were old enough to remember do you remember Capt. Richs and George Clark? A. Yes sir.

THOMAS MAYFIELD, called and sworn as a witness for the applicant testified as follows-

By Smith-

Q What is your name? A. Thomas Mayfield.
 Q Where do you live? A. On Grand river.
 Q Where is your post office? A. Spavinaw.
 Q How old are you? A. I am something of the age of 55 or 7 I may be a little older than that
 Q Do you know this applicant who sits here? A. Yes sir.
 Q How long have you known him? A. Ever since he was a boy.
 Q Who was his father? A. Billy Vann.
 Q Who was his mother? A. A white woman from the states.
 Q Do you know whether Billy Vann, as you call him, was a slave or not?
 A I didn't know his owners.
 Q Where did you first know Billy Vann? A. I brought him from Kansas with me.
 Q When? A. In 55.
 Q Where to? A. On Grand river, where I live in the Cherokee Nation
 Q When did you first become acquainted with the mother of this applicant?
 A Billy brought her there.
 Q When? A. Pretty soon after he came with me, I think he dropped there one year and then went back to Kansas and came back with this woman.
 Q How long after he dropped with you did he go back to Kansas? A. The next fall.
 Q When did he come back here again? A. The next fall.
 Q Did he live with her? A. Yes sir.
 Q Where? A. At my house.
 Q How long did they live together? A. Until he was killed.
 Q When was that? A. They had birthed one child I think it was a year or better.
 Q Do you know if they were married? A. I dont know that.
 Q Did they live together as man and wife? A. They did.
 Q Where has this applicant Ed. Vann been living since then? A. Lived with me until he was married and now he lived 5 or 4 miles from me.
 Q How old was he when he commenced living with you? A. He was birthed in my house and staid there until he married.
 Q How far did you say he lived from you now? A. 5 or 4 miles.
 Q Where? A. On Spavinaw Creek.
 Q In the Cherokee Nation? A. Yes sir.

By Hastings:

- Q You are not a recognized Cherokee freedman? A. I ought to be.
 Q Does the Cherokee Nation recognize you? A. No sir.
 Q You were before the Bob Daniels court in Vt? A. Yes sir, I went to all the courts.
 Q You were not recognized? A. No sir.
 Q Who came here with you from Kansas? A. Several people.
 Q Did you testify in your case that this boy's father Billy came with you? A. No sir I guess not.
 Q You witnessed for this boy five years ago didn't you? A. Yes sir.
 Q Why didn't you say something about his father going back to Kansas then? A. You never asked me.
 Q You were sworn to tell the whole truth then wasn't you? A. Yes sir as far as you asked me.
 Q When did this boy's father first come to the Cherokee Nation from Kansas after the war? A. In the fall of 86.
 Q And then went back? A. Yes sir.
 Q You say he made a crop with you before returning to Kansas? A. Yes sir.
 Q After he went back to Kansas how long did he stay there? A. He made a crop with me and left in the spring or fall and went back and then came back and made a crop of corn with me and then moved off to himself.
 Q That was after he brought this woman back with him? A. Yes sir.
 Q About how long did he live there until he got killed? A. I don't know exactly.
 Q You are not positive about that? A. No sir.
 Q Was this boy born when he came there? A. No sir.
 Q How long after they came before this boy was born? A. He was born sometime in the spring or winter.
 Q That following spring or winter? A. Yes sir.
 Q After he came back from Kansas? A. Yes sir.
 Q You feel positive about that do you? A. Yes sir, I knew it.
 Q Now as I understand you, he came back first with you in 86? A. Yes sir and he staid there at your house the winter and went back to Kansas in that fall. I think so, he staid there 3 or 4 months.
 Q And then went back to Kansas? A. Yes sir.
 Q And then when he came back again he had this white woman with him who is the mother of this boy here, this applicant? A. Yes sir.
 Q Now how long was he gone to Kansas that time before he returned? A. A short time, he wasn't gone long.
 Q Was he gone a year, or less or more? A. I can't say for sure about that, it has been a long time and I never kept no count and don't remember.
 Q You are not good on dates anyway are you? A. Not at all.
 Q You don't know what year he was born in do you? A. He was born in 87.
 Q You know that? A. Yes sir, I think it was in the winter 86.
 Q His father was known as Billy Daniels? A. Yes sir.

By the Commission of applicants.

- Q You drew your Barn fifteen money? A. Yes sir.
 Q You said something about Mr. Bell putting you there on the roll? A. Yes sir Mr. Bell was my attorney and got me on.
 Q And Bell here, Reoley Bell? A. Yes sir.
 Q This man sitting here? A. Yes sir.

ED VANN &

Mayfield,
CHARLES MAYFIELD called and sworn as a witness for the applicant,
testified as follows:

By Mr. Smith.

- Q What is your name? A. Charles Mayfield.
Q How old are you? A. My birth is in '48.
Q What is your post office address? A. Spavinaw.
Q Do you know this applicant Ed Vann? A. Yes sir.
Q Did you know his father? A. Yes sir.
Q Who was his father? A. Billy Vann.
Q Did you know his mother? A. Yes sir.
Q Do you know how long his mother has been dead? A. No sir.
Q Do you know when Billy Vann and she first commenced to live together
or when they were married? A. I know when he brought her down from
Kansas to our house and lived together as man and wife.
Q How long did they live together as man and wife? A. They lived together
at our place I guess about 15 months, anyway if not 24 months.
Q Do you remember when this man here was born? A. Yes sir.
Q Where they living together as man and wife then? A. Yes sir.
Q Do you know when Billy Vann came to the Cherokee Nation first after
the war? A. The old folks said it was in '66.
Q Where were you living then? A. In Saline district.
Q Do you know if Billy Vann was a slave or not before the war? A. No sir
I don't.

By Hastings.

- Q Who were you living with in Saline? A. Yes Mayfield and Fiecy May-
field, my father and mother.
Q On whose place were you living? A. On our own.
Q Did you have a house built when Billy came? A. Yes sir my father
came here first and fixed up a house and then come up and got us.
Q When did Billy Vann come down? A. He come with us.
Q What did you come, what time of the year? A. In the fall.
Q Do you know what month? A. No sir, I didn't know anything about
months and years then.
Q How do you know that you were born in '48? A. I want to my masters
and got my age; that was in about '79.
Q Did Billy Vann continue to reside at your father's place all the
time after he come with you until he died? A. No sir he went back to
Kansas.
Q How long did he stay there before he went back? A. He staid there a
right smart little while; he went to Judge Clark's place and located
a claim there before there was any farm there, it is the place
that Judge Clark has to day.
Q You remember that these 35 years do you? A. Yes sir, I went with him.
Q What year was that? A. I don't remember.
Q How long had you been back when this happened? A. Quite a little
while, we had made a crop.
Q Had he gone back to Kansas before that? A. He went back after that.
Q Who did he help make a crop there? A. My father.
Q Did you live on the Henry Scraper place? A. He sir lived 3 miles from
that.
Q On what side of the river is the Henry Scraper place? A. On the
west side of Grand river.
Q Did George Clark live there? A. No sir I didn't see him.
A. Yes

Joe Thompson? A. No sir.

Q Was Watt West there? A. No sir he was up on what they call Neutral ground.

Q You saw W. H. W. Foreman? A. Yes sir he was living there.

Q How long was Billy Vann gone back to Kansas that time? A. I don't know

Q As much as a year? A. Yes sir.

Q This man's father was known as Billy Bowlegs wasn't he? A. Yes sir.

BLUE THOMPSON, called and sworn as a witness testified as follows for the applicant:

By Smith-

Q What is your name? A. Blue Thompson.

Q How old are you? A. 51 years.

Q Do you know this applicant here? A. No sir I don't know this boy.

Q Did you know his father? A. Yes sir, I knew his father.

Q He was Billy Vann, sometimes called Billy Bowlegs? A. Yes sir.

Q Was he a slave? A. Not of Mr. Vann's as I knew of.

Q Was he a slave at all? A. Yes sir.

Q Who did? A. Used to belong to the Stovers.

Q What Stover? A. John Stover.

Q Did he belong to the Stovers at the time the Civil war commenced? A. ~~He~~ I don't know, we used to be bows together and then he got away from my knowing and I don't know what ~~happened~~ became of him then.

Q Where the Stovers Cherokee citizens? A. Yes sir, they was citizens.

Q The old man was a white man and the old lady was a 1/2 or a 3/4 bred?

Q Did you ever see Billy Vann or Billy Bowlegs in the Cherokee Nation after the war? A. I was just thinking of that, I don't know if I did or not, I seed him somewhere after the war, I don't know where it was, I don't know if it was in the Territory or where it was— oh yes it was at some of these elections here, I don't know just when—yes I seed him.

Q How long after you last saw Billy Vann as a slave of the Stovers was it before the Civil war commenced? A. Well I knew Billy Vann ever since I could recollect anybody, but I don't know how many years before the war it was when I last seed him, I was only 11 years old myself I don't recollect how long we used to play as boys together.

Q What is your judgment as to how long it was before the war commenced that you saw him? A. I don't just know.

Q What is your recollection now as to how long that was before the war when you and he used to play as boys together as you call it? A. It must have been, to the best of my recollection 4 or 5 years before I was a little fellow myself and didn't know no years, it took a fellow some time to get up big enough to remember the years.

Q Where did you live then? A. The Jeanna Thompson place a mile east of where these Stovers was living, what is called Fort Wayne, on Battos Prairie.

Q There was about a mile between the two places? A. Yes sir, my old brother used to own it before the Stovers got it.

Q Where were you when the war broke out? A. On Battos Prairie.

By Hastings-

Q You have some recollection that he was gone from there when the war broke out? A. Yes sir, I kind of missed him.

Q Did you ever hear that he was sold to Jack Thompson at that time?

ED VANN G.

By Mr. Smith;

I object to that question because the answer would be hearsay evidence.

By Hastings of witness--

Q Do you know that he belonged to John Stever when the war came up? A
Q I said I missed him.
Q The two places of Jim Allen Thompson and John Stever joined didn't they? A Yes sir.
Q And you lived there at the time? A Yes sir.
Q And you don't remember seeing the fellow when the war broke out? A.
No sir.
Q Did you ever hear at that time that he was sold to Jack Freeman? A.
No sir I never did.

By Smith.

Q The last you saw of him was in the Stever family? A. Yes sir, he and Rogers and Miss Alex and Will used to play as boys together—they said Mrs. Large had him, I don't know.
Q Who was Mrs. Large? A. Mr. Hastings's aunt.
Q Was she a Miss Stever? A. Yes sir she was before she married.

By Hastings--

Q Don't you know that Mrs. Large lived there and went to California before the war? A. I don't remember, it is too far back.
Q Was Large there before the war at all? A. I think I used to see him a little while before the war driving a yoke of oxen.
Q Didn't they go to California before the war? A. I don't know, I heard they had been to California, but I don't know when.

By the Commission of the applicant

Q Is Tom Mayfield any kin to you? A. He raised me.

By Com'r Needles:

Ed Vann

Ed Vann applies for himself; he cannot be identified on the roll of 1880 or the census roll of 1890, he is identified on the Kern Clifton ad Wallace rolls. Applicant avers that his mother was a white woman and his father a slave of a Cherokee citizen, but no direct proof is made as to the marriage of his mother and father; the said Ed Vann will be listed for enrollment as a Cherokee freedman on a general card and he will be notified of the final decision of the Commission by mail.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 34th of June 1901 at Nowata, I. T.

Chas. von Weise
Commissioner.

F. D.

660

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice, on.....

by delivering a true copy thereof on the
..... day of..... A. D. 190....

Given under my hand this.....
day of..... A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of..... SEP 23 1901, 190....

McClure & Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A. D. 190....

Subscribed and sworn to before me
this

Notary Public.

SEP 24 1901

Proof of Service made
and original filed with the
DAVES COMMISSION.

NOTICE!

IN THE MATTER OF the application of Ed Vann
for enrollment as Cherokee Freedmen:
Case No. F. D. 660

To Ed Vann or Hollette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 12th 1901 at 8 o'clock A. M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell.

W. W. Hastings

Attorneys for the Cherokee Nation.

SUBPOENA.

....

INDIAN TERRITORY,
CHEROKEE NATION.

TO THE MARSHAL FOR THE CHEROKEE NATION:

You are Commanded in the Name of the Cherokee Nation, by authority of an act of the National Council of the Cherokee Nation, approved by the President Dec. 28th, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons

Granville Craig Welch I. T.
to be and appear before the United States Commission at *Tomb, Indian Territory,*
on the *11th* day of *Oct.*, 1901, then and there to give evidence
in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under *my* hand - this the *27th* day of *Sept.* 1901.

B. Bell
W. M. Hastings
G. L. Laverne
Attorneys for the Cherokee Nation.

SUBPOENA.

INDIAN TERRITORY,
CHEROKEE NATION.

TO THE MARSHAL FOR THE CHEROKEE NATION:

You are Commanded in the Name of the Cherokee Nation, by authority of an act of the National Council of the Cherokee Nation, approved by the President December 28, 1900, entitled: "An Act providing for the representation of the Cherokee Nation before the United States Commission in making a roll of the colored citizens of the Cherokee Nation," to summons

Webb Weir Vinita I. C.

to be and appear before the United States Commission at Vinita, Indian Territory, T.,
on the 18th day of Oct., 1901, then and there to give evidence
in such contested citizenship cases as the Attorneys for the Cherokee Nation may desire.

Given from under our hands Oct. 9 1901

W. B. Bell
W. H. Hargrave
Jas. Davenport
Attorneys for the Cherokee N

Attorneys for the Cherokee Nation

"R"

SUPPLEMENTAL: TESTIMONY ON PART OF CHEROKEE NATION. C.F.D-660, Ed Vann

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 12, 1901.

In the matter of the application of Ed Vann for enrollment as a Cherokee Freedman.

Appearances:

Mr. Mellette, of Mellette & Smith, att'ys for applicant;
Mr. Davenport, of attorneys for the Cherokee Nation.

LOUISA J. HASTINGS, being sworn and examined, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A Louisa J. Hastings.

Q What is your post-office address, Mrs. Hastings? A Mrs. Hastingsville, Arkansas.

Q You live on the Territory side? A Yes sir.

Q How old are you? A 61.

Q How long have you lived in the Cherokee Nation? A I have been born and raised there.

Q Your maiden name was Stover? A Yes sir.

Q Did your father own a slave some years before the war by the name of Billy? A Yes sir.

Q Have you ever seen the applicant here, who goes by the name of Ed Vann now; that's the boy applying here; have you ever seen him the applicant, Ed Vann? A No sir.

Q You know whether Billy went by your father's name? A He always went by the name of Bill Stover while he was with us.

Q Did your father or any of your family own Billy at the breaking out of the war? A No sir, my father sold him before the war.

Q To whom, if you know, did he sell him? A Sold him to Mr. Jake Freeman.

Q Where did Jake Freeman live? A In Mayesville.

Q Did Billy have any other name besides Billy? A No sir, not while he was lived with us.

Q Did you ever see Billy after the war? A I never saw him after the war, I am.

Q You don't know what became of him? A No sir.

Q Did you ever know a woman named Emeline Vann? A Well I don't know.

BY MR. MELLETTE:

Q Now, Mrs. Hastings, you say that the slave you are talking about never went by the name of Billy Vann? A No sir, while we owned him he went just by the name of Billy Stover.

Q What time did you own him? A I don't remember exactly how old he was, but we owned him in '60.

Q '60? A 50, I reckon it must have been about 2 years before the war, '57 maybe, we sold him.

Q How old were you at that time? A I was born in 1840.

Q About 17 years old? A About 17 years old I reckon.

Q Did you live at home? A Yes sir.

Q Lived at home all the time? A Yes sir, most all the time; I was away at school at Tahlequah some of the time, not very far.

Q Were you away at school in '57? A No sir, I was at home, that is the year my mother died, and I was at home.

Q Now you lived in the Cherokee Nation at that time? A Yes sir.

Q Did you think it was '57? A I wouldn't state for certain it was the year he was sold, but it was along about that time; I don't know exactly whether it was '57 or '58.

Q You can't remember as to that? A No sir, but it was along about that time.

Q You never have seen him since? A No sir, well I saw him there at Mayesville some while after we sold him; I don't think that Mr. Freeman kept him very long.

Ed Vann (sup) 2

Q You don't know this applicant at all, this boy, that has applied here for citizenship? A No sir, I don't know him at all.

Q You don't know whether he is a son of the slave you are talking about or not? A No sir.

Q Where was this slave at the beginning of the war? A This Billy?

Q Yes? A I don't know where he was.

Q You don't know whether he was in the Cherokee Nation or not?

A I don't think he was in the Nation, because I think Mr. Freeman sold him in the state.

Q That is just your supposition? A Yes sir, he never was in our neighborhood.

Q You don't know what other part of the Cherokee Nation he might have been? A No sir.

Q Mayesville is right on the Cherokee line? A Right on the line, yes sir.

Q Not over half a mile from the line? A Right there is the line.

Q Line runs right through Mayesville? A Yes sir.

Q Part of the town of Mayesville in the Cherokee Nation? A Well there was some of it there until it got burned out; there is a shop and one or two houses on this side, not business houses, only a shop; they have been though, but they was burned out.

BY MR. DAVENPORT:

Q Jake Freeman was a citizen of the United States? A Yes.

Q Did you ever know this party by the name of Billy Bowlegs? A

I don't know anything about that, no sir.

GUS BUFFINGTON, being sworn and examined, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A Gus Buffington.

Q How old are you, Gus? A About 75 or 6.

Q What is your post-office? A Vinita.

Q How long have you lived in the Cherokee Nation, Gus? A I have been living in the Nation ever since I came from Georgia here with the Cherokees.

Q You came from over with the Cherokees from the old nation?

A Yes sir.

Q Where were you living before the war, what part of the Cherokee Nation, Gus? A I was living up near Benton County. Right at the line.

Q Near what place? A Mayesville.

Q Who was you living with? A Man by the name of Kaywood.

Q How far do you live from Mr. Stevers? A 5 or 6 miles.

Q Did you know a colored man over there, called Billy Stever, or did you know him by any other name, before the war I am speaking of now? A Billy Bowlegs, a boy.

Q Well now, did you ever know him before the war? A Yes sir.

Q Who did he belong to, if you know, Gus, when you first knew him?

A Stever.

Q What became of him before the war, if anything? A He sold him.

Q You know him to whom? A Man by the name of Jake Freeman.

Q Where was Freeman living? A Benton County, there at Mayesville.

Q Was Freeman a citizen of the Cherokee Nation or a United States citizen? A United States citizen at that time.

Q Did you ever see this Billy Bowlegs after the war? A Yes sir, I saw him just a while before he was killed down here on Grand river.

Q Was he married at that time, or did he have a family if you know?

A Yes sir.

Q What nationality was his wife, if you know, did you ever see her?

A She was a white woman.

Q What name was he going by when you saw him down here after the war? A Billy Vann.

Q You know what his wife's name was? A I don't recollect what his wife's name was now, I did know.

Q You don't know whether it was Emeline or not? A Emeline was her name I believe.

Q Have you ever seen this applicant, Ed Vann, or any of Billy Bowlegs' children? A He has got one, Ed, he is down here on the river.

Ed Vann (sup) 2

Q You don't know this applicant at all, this boy, that has applied here for citizenship? A No sir, I don't know him at all.

Q You don't know whether he is a son of the slave you are talking about or not? A No sir.

Q Where was this slave at the beginning of the war? A This Billy?

Q Yes? A I don't know where he was.

Q You don't know whether he was in the Cherokee Nation or not?

A I don't think he was in the Nation, because I think Mr. Freeman sold him in the state.

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Q Part of the town of Mayesville in the Cherokee Nation? A Well there was some of it there until it got burned out; there is a shop and one or two houses on this side, not business houses, only a shop; they have been though, but they was burned out.

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I don't know anything about that, no sir.

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Q You came from over with the Cherokees from the old nation? A Yes sir.

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Q Near what place? A Mayesville.

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Q How far do you live from Mr. Stovers? A 5 or 6 miles.

Q Did you know a colored man over there, called Billy Stover, or did you know him by any other name, before the war I am speaking of now? A Billy Bowlegs, a boy.

Q Well now, did you ever know him before the war? A Yes sir.

Q Who did he belong to, if you know, Gus, when you first knew him? A Stover.

Q What became of him before the war, if anything? A He sold him.

Q You know him to whom? A Man by the name of Jake Freeman.

Q Where was Freeman living? A Benton County, there at Mayesville.

Q Was Freeman a citizen of the Cherokee Nation or a United States citizen? A United States citizen at that time.

Q Did you ever see this Billy Bowlegs after the war? A Yes sir, I saw him just a while before he was killed down here on Grand river.

Q Was he married at that time, or did he have a family if you know? A Yes sir.

Q What nationality was his wife, if you know, did you ever see her? A She was a white woman.

Q What name was he going by when you saw him down here after the war? A Billy Vann.

Q You know what his wife's name was? A I don't recollect what his wife's name was now, I did know.

Q You don't know whether it was Melina or not? A Melina was her name I believe.

Q Have you ever seen this applicant, Ed Vann, or any of Billy Bowlegs' children? A He has got one, Ed, he is down here on the river.

Ed Vann (sup) 3

Q You know what his name is, Ed I believe, I don't recollect. I believe it is Ed; I ought to know.

Q You said something about when he was killed; was Billy Bowlegs or Billy Vann killed? A Yes sir.

Q About when was that, if you know, Gus? A Well I could not tell you exactly when it was.

Q You know where he was when the war broke out, Billy I am speaking of? A When the war first broke out?

Q Yes? A He was at Mayeville.

Q Who did he belong to then? A Jake Freeman.

BY MR. MILLETTE:

Q Well Buffington, you say you lived six or seven miles from where Billy did before the war? A I expect it is just about that distance.

Q Were you a slave? A Yes sir.

Q Who owned you? A Buffington.

Q How do you know this man was sold? A Why Jake Freeman owned him.

Q How do you know he did? A Why he claimed him all the time, that I know.

Q When did Jake Freeman get him? A Got him quite a little while before the war, I couldn't tell you exactly when.

Q How long before the war? A I couldn't tell you.

Q One year? A I couldn't tell you.

Q How do you know Jake Freeman claimed him? A He claimed that he bought him.

Q Did you ever go and ask Jake Freeman about it? A No sir, I did not.

Q How do you know Jake Freeman claimed him? A Claimed him like all other people claim their slaves.

Q Well now, did you ever hear Jake Freeman say anything about it? A I don't know as I did.

Q You don't know think you did do you; then you don't know whether Jake Freeman claimed him or not, do you? A I heard that he bought him.

Q Was he you heard people talking about it, didn't you? Isn't that true? Say, Gus, isn't that true, you just heard it talked?

Q Well that might have been the case; I just heard them say he belonged to him; that's all I do know about it.

Q Heard who say it? A Several of them say he belonged to Jake Freeman.

Q But you don't know how long before the war you heard that? A No sir, I don't.

Q The year the war began was it? A No sir. He had been owning him quite a little bit; I could not tell you how long.

Q You said you didn't know whether it was a year or not? A Well I could not tell you whether it was a year or two years or three; I didn't keep no dates.

Q Well now, you saw this man down here on Grand river you say, how long ago? A I couldn't tell you that, how long it was.

Q Well give an idea now, give us an idea now, Gus, how long it has been since you saw this applicant's father, Billy Vann, down on Grand river in the Cherokee Nation? A Well sir, I don't know how to answer that question; I could not tell you how long it has been.

Q Why is it that you can remember then before the war and remember that before the war that man was sold by the Stovers and you can't remember how long it has been since you saw him after the war down here on Grand river, how do you account for that, Gus? A I just account for it just by knowing him, but then I couldn't tell you anything about that time I saw him down here on Grand river.

Q You can't tell anything about the time he was sold either can you? A No sir.

BY MR. DAVENPORT:

Q Gus, do you know to whom he belonged, excepting what you heard? A No sir, that.

Q That is all the way you know to whom any slave belonged except what you hear? A That's all; I wouldn't have knowed I belonged to

Ed Vann (sup) 4

Ruffington unless I heard it.

Q Well now, this man Billy, or Billy Bowlegs, was over in Arkansas working for Jake Freeman before the war? A Yes sir.

BY MR. MELLETTTE:

Q Did you see him over there? A Yes sir, I lived there; I was running a blacksmith shop; I worked in the Cherokee Nation and the States both; I was hired out there running a blacksmith shop.

Q Are you a citizen of the Cherokee Nation? A Yes sir, I reckon I am.

Q Well now, didn't you live in & outside of the Cherokee Nation right at the beginning of the war, you said you lived in Mayesville? A Well I did, I was hired there, running a blacksmith shop; my owners had me hired out.

Q You lived outside did you? A Well, at that time I was, I was hired there; my owners was all in the nation here.

Q Mayesville, the line runs right through the town of Mayesville don't it? A Yes sir.

Q Well now, ~~was~~ which side of the line did Freeman live on? A On the east side.

Q How far from the line? A I expect, down on the branch, it might have been pretty nigh a quarter of a mile.

Q Don't you think that Billy edged over in the nation every once in a while? A Of course he went over in the nation every once in a while.

Q Worked over there didn't he? A At that time he left Mrs Stover's people, not that I know.

Q Did he just leave them? A I told you Mr. Freeman bought him, that's what I heard; he had him all the time.

Q You don't know anything about it, do you? A No sir.

G. W. CLARK, being sworn and examined, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A G. W. Clark.

Q Where do you live? A In the Territory.

Q How old are you? A I am 58 years old.

Q You lived in the Territory before the war did you, Judge? A All my life.

Q Did you ever know a colored fellow named Billy Vann or Billy Bowlegs? A Yes sir.

Q Did you see him before the war? A Yes sir, I knew him before the war.

Q Do you know, Did you, Judge, who he belonged to before the war broke out, or what time he was living? A He belonged to my uncle, John Stover.

Q I am speaking of about when the war broke out, did you know who he belonged to at the time the war came on? A My understanding was he was sold to Mr. Freeman, a merchant at Mayesville, before the war.

Q You saw him ~~after~~ the war? A Yes sir considerable while after the war.

Q What time? A About 69 or 70.

Q You know whether he was married? A Yes sir, he brought a white woman there to my neighborhood, and he had one child named Ed, and after he was killed his wife was there in the neighborhood there living there yet.

Q You know the applicant, Ed, then? A Yes sir.

Q You say the father of this applicant was killed? A Yes sir.

Q You know about what year that was? A He was killed about '69 or '70, directly after they come there; about a year or two before I moved over the river.

Q Do you know the given name of the mother of this applicant? A I don't believe I recollect.

BY MR. MELLETTTE:

Q Was the mother of this applicant named Emeline? A I aint positive, I believe she was.

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Ed Vann (sup) 5

Q No, I mean the wife of Billy Stover, the mother of Ed Vann, the applicant; did you know her? A Yes sir, I have seen her.

Q Did the Stovers own her? A No, she was a white woman.

Q So far as your actual knowledge extends, Judge, this Billy Vann belonged to the Stovers, did he? A Yes sir, he belonged to my uncle, my uncle's folks when he was a boy like; I have seen him when he was a boy; I was raised at my grandfather's, close by, about two miles.

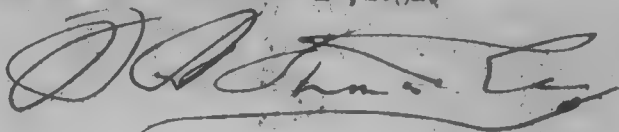
Q When did you last see him a slave of the Stovers? A Oh he got to be a chunk of a boy, I believe the last I saw him was at Mayesville until after he come back after the war; he changed hands and was owned by a man named Freeman there that kept goods in Mayesville.

Q You know nothing of any transfer or anything of that sort from the Stovers to Freeman? A Well, just hearsay and rumor through the country; I know he lived there.

Q When did he leave Stovers? A I don't recollect, it was early day, before the war.

M. B. Green, being first duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 14, 1901.



Commissioner.

RECORDED
INDEXED
OCT 17 1901
U.S. DEPT. OF COMMERCE

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 492, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Ed. Vann, D 660;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ed Vann for enrollment
as a Cherokee Freedman:

D E C I S I O N

The record in this case shows that on June 10, 1901, Ed Vann appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 12, 1901, and at Muskogee, Indian Territory, on May 31, 1902.

The evidence shows that the applicant, Ed Vann, has been born since the close of the rebellion; that he is the descendant of and claims right to enrollment through one William Vann.

The evidence further shows that the said William Vann was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the beginning of the rebellion.

The name of the said applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Ed Vann, as a Cherokee Freedman, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
MAR 5 1904
this _____

Maysville Aug 13/1901

Dear Son

My father own a negro boy by the name of Bill he sold him in 5-5 or 5-6 but I dont remember who he sold him to but he was sold out of the territory why I remember as well a long time he was sold my father gave this boy's mother to sister, Mrs Lease and they started to California in 5-7 and sister sold his mother to old Col Gunter

2

My sister owned a large
bag of cotton - for a year
and more before she
sent her to Sumter

mean. I saw her head
of the negro boy ^{they} had more
of the crops ^{they} sold them
I was in war. About
9 or ten years old when
the war sold - L. J. Hastings

ATTORNEYS:

W. W. HASTINGS.....Tahlequah, I. T.
J. L. BAUGH.....Cherokee, I. T.

STENOGRAPHER:

J. C. STARR.....Vinita, I. T.

MARSHALS:

JOHN PARKS.....Vinita, I. T.
W. B. WYLY.....Tahlequah, I. T.

OFFICE OF

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: 0.....

Vinita, Ind. Ter., Oct. 2, 1901.

Mr. Granville Craig,

Welch, I. T.

Dear Sir:

Inclosed herewith find two subpoenas for your attendance before the Dawes Commission at Vinita. Please accept service by signing your name on one of them at the back where you see the red stamp accepting service and return it to us promptly by first mail; and also be on hand promptly at Vinita on the date named in the subpoena.

Yours very truly,

L. B. Bell
W. W. Hastings
J. L. Darns
Attys. for the Cherokee Nation.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee F.D-649

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of Ed Vann for enrollment as a Cherokee Freedman.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

Enc. G-45

COMMISSIONERS:
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedman
D-660.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

709
Muskogee, Indian Territory, May 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of Ed Vann as a Cherokee freedman, was affirmed by the Secretary of the Interior on May 7, 1904.

Respectfully,



Chairman.

Cher Fr D 661

Cher Fr D 661

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 10, 1901.

In the matter of the application of Malissa McIntosh for the enrollment of herself and two children.

Appearances:

Mallette & Smith, attorneys for applicants;

W. F. Hastings, of counsel for Cherokee Nation.

Malissa McIntosh, being duly sworn and examined by Commissioner
Needles, testified as follows:

Q What is your name? A Malissa McIntosh; my maiden name was Malissa Ratliff.

Q How old are you? A I don't know for certain, I guess I am between 43 and 44 I guess.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A Myself and two children.

Q Give me the names of your two children? A Bertha.

Q How old is Bertha? A 18; 18 next February.

Q What is the next child? A Bennie. McIntosh.

Q Is he Bennie or Benjamin? A We just call him Bennie.

Q How old is Bennie? A He will be 11 years old the 5th of next month.

Q These children are both living with you at this time? A Yes, sir, both right here.

Q Did you ever apply to be enrolled by any other Nation? A No, sir.

Mr. Smith: What witnesses have you got? A Uncle Moss Hardrick and Harry Hill.

Commissioner: What is your post office? A Dawson, I. T.

Mr. Smith: You apply for enrollment as a Cherokee Freedman?

A Yes, sir.

Q Who was your mother? A Her name was Lucy Griffin.

Q Who was your father? A Alex Ratliff.

Q How old are you? A I am between 43 and 44, I don't know for certain.

Q When you born a slave? A Yes, sir.

Q Those slave? A Alex Ratliff.

Q Was Alex Ratliff a Cherokee Indian? A Yes, sir, he was a Cherokee Indian.

Q A citizen of the Cherokee Nation and in the Indian Territory?

A Yes, sir.

Q Where were you at the time the war commenced, the Civil War?

A Well, I was there with them when it commenced.

Q With what? A There with the bands, my father died after the war, during the war.

Q At the beginning of the war where was you? A I was there at Alex Ratliff's.

Q At what place? A I don't know exactly what district he lived in.

Q In the Cherokee Nation? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war?

A Yes, sir.

Q When did you first come back? A It was in the year of '65.

Q Who came back with you? A Uncle Moss Hardrick and his wife brought me back, his wife is my aunt.

Q Was Moss Hardrick a wife before she married Moss, do you remember? A It seems she was a Walkingstick.

Q Well, where do you live now? A I live down Moss near Union, I live in the Cherokee Nation.

Q How long have you lived there? A I haven't lived there very long, that place.

Q How long do you live in the Cherokee Nation? A Why I have lived in the Cherokee Nation, before and after, all my life.

Malissa McIntosh - 2.

Have lived in the Creek Nation some and here, Creek and Cherokee Nations, backwards and forth, since I was born.

Q When did you marry? A Well, I know it was, must have been about 1888.

Q Are you and your husband living together at this time?

A No, sir, we have been parted about ten years.

Q Are those children, Martha and Bernice, his children? A Yes, sir, they are his children.

Q How long did you and your husband live together? A Well, I might have been about eight years, I don't know for certain.

Q Were you married, have you a marriage certificate? A Yes, sir.

Q Have you any certificate of your marriage? A No, I have got it misplaced some way, I have got my divorce.

Q In what court were you divorced? A Creek Court.

Q At Muskogee? A No, out at Okmulgee.

Q What was your husband's name? A Ben McIntosh.

Q Was he a Creek citizen or what? A Yes, he was a Creek citizen.

Q Did he bring a suit against you in the Creek Court, or you bring a suit against him? A No, sir, he just granted the divorce himself.

Q He granted the divorce to you in the Creek Court? A Yes, sir.

Q What did you have to do with it, anything? A Why nothing at all.

Q He just did that himself? A Yes, sir.

Commissioner: Do I understand you to say these two children are living with you at this time? A Yes, sir, I have them right here, I have raised them.

Q Did they ever draw any money in the Creek Nation? A No, sir.

Q Have been enrolled in the Creek Nation? A No, sir, never enrolled them anywhere but here.

Q Were they born in the Creek Nation? A Yes, sir, born in Okmulgee district.

Q Your husband is a Creek citizen? A Yes, sir.

Mr. Hastings: You have had six children by this man? A Yes, I have got six.

Q And the first was born at Okmulgee? A Yes, near Okmulgee.

Q How old would the first be if it was living now? A I don't know how old now, we didn't keep any record.

Q Do you know what year it was born? A No, I don't remember.

Q And the other five were born on Red Fork in the Creek Nation?

A Yes, sir.

Q Where did you first meet your husband? A I met him in Muskogee.

Q You married him in 1888? A Yes, it must have been about that time, about the latter part I think.

Q And you parted from him when? A I expect it was about eight years later, I guess, I don't remember for certain.

Q You gave birth to six children in eight years? A Yes, but then they didn't mature, they were not natural.

Q How long before you were married was it since you have been living in the Cherokee Nation? You married in Muskogee in 1888?

A Yes, I guess it was about that time; have been living here all the time up to just about a little over a year before that I worked out in Muskogee.

Q Where had you been living in the Cherokee Nation? A Lived right here with Uncle Mose Ransdick.

Q Even since you came down here with him? A Yes, sir, they raised me and I just made that my home there.

Q What was your father's name? A Alex Hallitt.

Q What was your mother's name? A I think her name was Mary Ann.

Q Do you remember your mother? A Yes, sir.

Q How old are you? A He died during the war, before I was ten.

Malissa McIntosh - 3.

Q You were quire small when you came back here? A Yes, I was quite small.

Q How old were you? A Why I must have been 10 years old.

Q You only remember the date of your return from what they told you about it? A Why they said it was '66.

Q They have told you about it since? A Yes, I guess I was like other children, I heard what was said about the dates just the same as children now; my children knows this is 1901.

Q What time of the year was it you came back? A In the winter, in the early winter or the last of the winter? A The last of the winter.

Q You don't know whether it was the last of '66 or the first months of '66? A No, sir, it was in the winter of that year.

Q You don't know what months? A No, sir, I have got my witnesses, perhaps they can tell you.

Q You lived with Mose Hardrick up till about 1880 or 1881? A Yes, I reckon about 1880.

Q Why didn't he enroll you? A Well, I guess he must have, before they commenced drawing the money.

Q Did you ever try to get enrolled? A Yes, I have been enrolled here twice.

Q Did you draw strip money? A Yes, sir.

Q You drew on the Wallace roll? A Yes, sir, I drew.

Q Your children never drew? A No, my children drawn from the Clifton roll.

Q Uncle Mose any kin to you? A No, sir, his wife was my aunt.

Commissioner: What was your name before you married McIntosh?

A Ratliff

Q You think your name isn't on the 1880 roll? A I don't think it was, it was dropped someway by mistake, I belonged to Uncle Mose's family at that time.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Malissa McIntosh on page 104, No. 2594, 600wess000wess district, as Malisa McIntosh;

Bertha McIntosh on page 104, No. 2595, 600wess000wess district;

Mannie McIntosh on page 104, No. 2596, 600wess000wess district.

The Wallace roll examined, and the applicant Malissa McIntosh identified thereon, page 138, No. 2696, Malissa McIntosh, 600wess000wess district.

Moses Whitacre, being duly sworn and examined before Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Moses Whitacre.

Q What is your post office? A Hayden

Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation ever since I was born, all my life except when I went out time of the war.

Q How old are you? A I must be 70 years old, seventy some odd.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Do you know this applicant Malissa McIntosh? A Yes, sir, I know her.

Q How long have you known her? A I have known her ever since she was a little girl.

Q Who was her mother? A Lucy Ratliff.

Q Who was her father? A Alex Ratliff.

Q Was Malissa McIntosh herself born a slave? A Well, yes sir, she was born a slave, her mother was a slave, ex Alex Ratliff.

Malissa McIntosh - 4.

Q There was a Malissa McIntosh? A Alex Ratliff, said to be his daughter and slave.

Q Who was Alex Ratliff, a Cherokee citizen? A Yes, sir.

Q Citizen of the Cherokee Nation? A Yes, sir.

Q Where did he live before the war? A Down on the Illinois, near Tahlequah-somewhere, must have been Tahlequah.

Q Do you know where this girl Malissa and her mother were when the war commenced? A Her mother died, she died about the commencement of the war I guess, or a little before.

Q At what place? A Down where they lived, on the Illinois River.

Q At the Ratliff's? A Yes, sir.

Q Do you know whether this girl was taken out of the Cherokee Nation during the war? A Yes, sir.

Q Do you know when she returned to the Cherokee Nation first after the war? A Yes, sir.

Q When was that? A Why it was in December, '68, with me; with my wife and me, a little girl when she came back.

Q How long did she remain with you after she came with you in '68? A She remained with me several years, until she grew up and married; she went off a while, but she always made it her home.

Mr. Hastings: Now, how far did she live from you when the war came on? A Why she must have lived, I don't know exactly, 25 or 30 miles I guess.

Q You never saw her before the war came on? A Yes, sir, I know right where she was born, she wasn't born right there at all.

Q Where was she born? A She was born in going snake district, at her great-aunt's; her mother came up and stayed with her great-aunt until she was born, on Barron Forks.

Q Did you ever see her after that? A Yes, sir.

Q Before the war? A Yes, sir.

Q Where? A Down on the Illinois River.

Q Did you take her out of here during the war? A No, sir, but one of her aunt's did.

Q That your wife? A No, sir, my wife's aunt, and we got her after she went up to Kansas, my wife did.

Q And you came back here in December, 1868? A Well, that is the time I moved my family, I came back in November, and built my house.

Q Did Aaron come back with you? A Aaron came back with me the first time but he built up above me, me and Aaron came before that.

Q Did Lewis come with you? A Yes, sir.

Q When you moved your family he moved his? A Lewis had no family.

Q He came down with you? A Yes, sir.

Q Then you moved your family? A Yes, sir.

Q That was when Lewis came? A Yes, sir.

Q Did he come any time before that? A Yes Lewis came, Lewis came and made a place for his mother and father.

Q That was in November? A Yes, sir.

Q Where did you go back for your family? A In December.

Q Where? A To Kansas, Fort Scott.

Q Who else did you bring besides your own family at this time?

A I brought my wife's son, Ed Wright,

Q Anybody else? A Lila Ratliff, her great aunt.

Q How about how many years did she live with you? A This girl, I don't know exactly how many years, but she lived with me several years after she came here.

Q Your best judgment? A I don't know, I can't tell you.

Q Five years? A Over five years I expect, because she was nothing but a girl when she came.

Q She went to the Creek Nation and married there? A Yes, sir, she went to Muskogee and when she got engaged to be married, and she came back here and fixed up and was married.

Q And she then lived in the Creek Nation until a short time ago?

Malissa McIntosh - 5.

her affairs at all, she has been backwards and forwards all the time, I have some of her horses now, she has never took them away, always came and got one or two as she wanted them.

Mr. Smith: How long has she had property, horses, cattle, up there in the Cherokee Nation? A She has had them here ever since she was with me, we gave her some and she worked and bought some, before she went away.

Q Did she have this property there during the time she was away?

A Yes, sir, got some there yet.

Mr. Hastings: How many did she have when she left? A I believe she had ten head of cows and four head of horses.

Q Where did she get them? A We gave her some and she worked and bought some.

Q She just claimed some you folks had? A She bought some with her money, she was always at work.

Q And these are just the increase of them? A Yes, sir.

Harry Still, being duly sworn and examined before Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Harry Still.

Q How old are you? A 54.

Q Where do you live? A Hayden.

Q Do you know this applicant, Malissa McIntosh? A Yes, sir.

Q How long have you known her? A Since '62.

Q Was she ever a slave? A I think so, yes, sir.

Q About when was she born? A I don't know exactly when she was born, I met her, the first time I saw her was in '62.

Q Who was she with? A She got in our crowd and went with us to Kansas; I have always heard she belonged to the Ratliffs.

Q Do you know when she came back to the Cherokee Nation after the war? A Yes sir, she came back a little while before Christmas in '65 with Uncle Mose.

Q Mose who? A Whitmire, he raised her.

Q Where has she been living since that time? A Well, she has been living here in the Cherokee country a good deal of the time.

Q How long did she live with Mose Whitmire, how long did she live with him after she came back here in '65? A She lived with Mose till she got to be a grown girl, right around in that country there.

Q Did she ever marry? A Yes, sir.

Q Who did she marry? A McIntosh, Benny.

Q Then after she married, where did her husband live, if you know?

Q Lived down here on the Arkansas River.

Q In what Nation? A I guess down in the Creek country, I don't know.

Mr. Hastings: Do you know how long she lived over there? A No, sir.

Q You know how many children were born to her there? A I don't know as any children were born there, she has been going backwards and forwards all the while to old man Mose's and ever since I know her.

Q Were the children born up here at Mose Whitmire's? A I don't know whether they were or not.

Q Have you been told where they were born? A No, sir, I never asked anything about that.

Q You never heard anything about that? A No, sir.

Q How old are you now? A I am about 54 I think.

Q And you were 18 years old when the war closed? A No, sir, I was older than that, wasn't I, when the war closed; I can remember better than that I can now, when the war closed.

Q Well, who did you come back here with? A I came back here with my mother and my sister, and Filda Leay and Jim Leay.

Q What time of the year did you come back? A I came here three times, sir.

Q What time did you first come? A Yes.

Malissa McIntosh - 8.

Q Your mother with you then? A No, sir.

Q What time did this girl come? A This girl came down along in the winter of '88 when she came here, with Uncle Moses.

Q What time did your mother come with you? A She came in the spring of '88.

Q Your sister with you then? A Yes, sir, with me then.

Q Where were you living when this woman was brought down there?

A I was living on the forks of Lightning Creek, known as the old Rachel Glass place.

Q How far was that from Moss Whimire? A Five miles, or six, perhaps.

Q Do you remember when everybody came down there 35 years ago, willing to swear definitely about that? A Yes, sir, willing to swear definitely.

Q How long did she live there? A Lived from the time she was a girl clean up till she married Ben.

Q When did she marry Ben? A I don't know the exact date she married Ben.

Q Where is she living now? A She has got a place down here in the Cherokee Nation.

Q Where is it? A This side of Tulsa.

Q Have you ever at it? A Yes, sir.

Q When? A There last fall.

Q Was she living on it then? A She had some stock there.

Q Was she there in person? A I didn't see her on the place living, but I met her close to the place there, right there this side of -----

Malissa McIntosh, recalled, testified:

Commissioner: You married Ben McIntosh over in the Creek Nation?

A Yes, sir.

Q How long since you moved from the Creek Nation to the Cherokee Nation; how long since you moved back here? A I have lived back and forth all the time.

Q You couldn't have two houses; have you lived with your husband in the Creek Nation? A I lived there with him eight years I guess, when we separated, and I came - - -

Q Since you separated ~~in the Creek Nation~~ you have lived continuously in the Cherokee Nation? A Well, count up and see, he was parted from me three years before that.

Q You had been separated at that time? A That was about '81 then? A I guess.

Mr. Hastings: Who brought the suit for the divorce, you? A No, sir, I didn't.

Commissioner: This paper states you were divorced in 1884, and you say you separated from him about three years before that? A Read that and see that it says.

Q You state what you know. How long have you been separated?

A About ten years I guess.

Q You have lived in the Cherokee Nation about ten years then?

A No, sir, I haven't lived in the Cherokee Nation all the time, I stayed there part of the time.

Q I want to know how long you have lived in the Cherokee Nation since you were married, since you were separated? A I haven't lived very long.

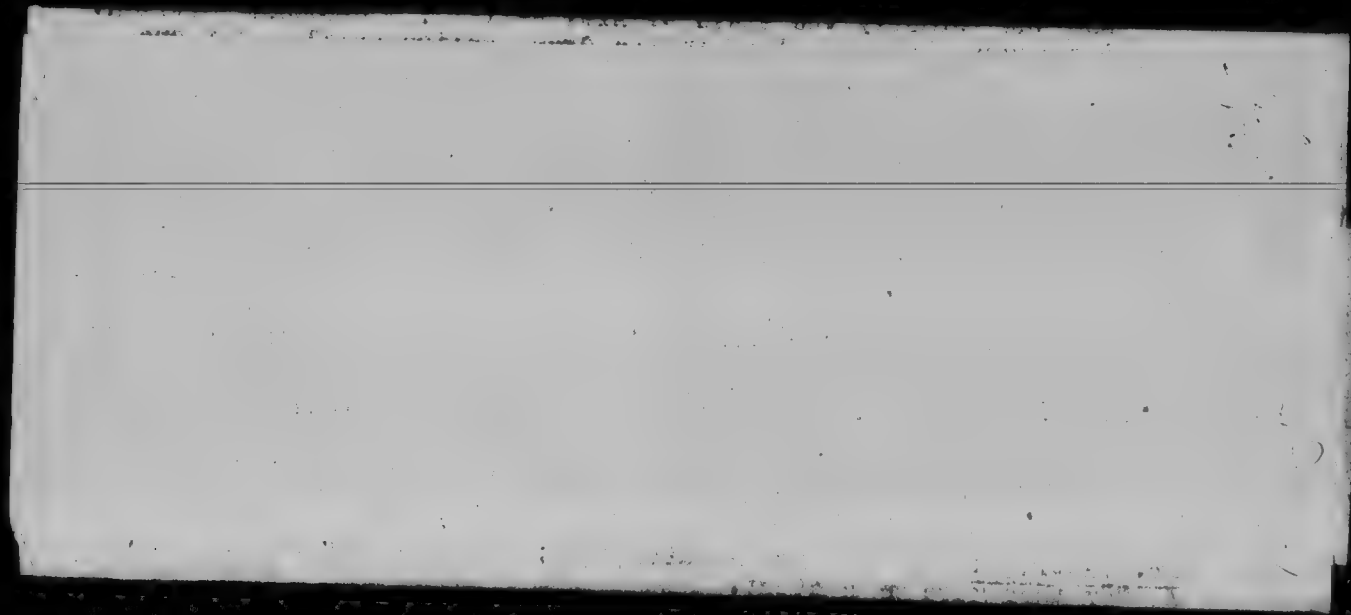
Q Since you have separated then you have lived some of the time in the Creek Nation? A Yes, sir.

Q I want to know how long you have lived in the Cherokee Nation in that time? A I have been living about a year on the place.

Q Since that you have lived in the Creek Nation, have you? A Yes, sir, most of the time.

Q What was your owner's name? A Ratliff.

Q What was his first name? A Alexander Ratliff.



Malissa McIntosh - V.

Q He was a Cherokee citizen, was he? A Yes, sir, he was a Cherokee citizen.

Mr. Smith: During the time you lived in the Cherokee Nation, did you have any property of any kind in the Cherokee Nation? A Yes sir, what I had was here.

Q What did you have? A Why I had some stock, some horses and some cattle.

Q Where were they? A Uncle Mose kept them.

Mr. Hastings: How did you acquire them? Where did you get them?

A Why they gave me a start.

Q That was the increase of them? A Yes, sir.

Commissioner: You say that these two children are living with you in the Cherokee Nation? A Yes, sir.

Q They were born in the Creek Nation? A Yes, sir.

Q They never drew Creek money? A No, sir.

Q You never enrolled them as Creek citizens? A No, sir, never enrolled them no place but here.

Q You never enrolled yourself as a Creek citizen? A No, sir, I never wanted to be a Creek citizen.

Mr. Hastings: I want to know how that divorce was got? A Well deserted me and the children, and he was gone three years, and the law there is you can get a divorce for three years separation.

Q Did you get it? A He had it made out and sent it to me.

Commissioner: Malissa McIntosh applies for the enrollment of herself and two children, Bertha and Bennie. She cannot be identified upon the authenticated roll of 1880, or the census roll of 1896, but she is duly identified on the Kern-Clifton and Wallace rolls, and her two children as enumerated are identified upon the Kern-Clifton roll. She avers that she is married to one Ben McIntosh, a Creek citizen, and that she was formerly the slave of Alex Ratliff, a Cherokee citizen. She avers that she lived in the Creek Nation until about one year ago, and that during all the time of her marriage with McIntosh she had property in the Cherokee Nation. She avers that she is separated from her husband McIntosh. Now the said Malissa McIntosh and her two children, Bertha and Bennie, will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration of the Commission. She will be notified by mail of the decision of the Commission in her case when arrived at. Because of the fact that the father of her children is a Creek citizen, and that she resided in the Creek Nation, a copy of the testimony now being taken will be transmitted to the General Offices of the Commission at Muskogee for their information as to Creek citizenship.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this 18th of June, 1901.

[Signature]

Commissioner.

Exhibit. Malheur in English.

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation coming to approve the
right of said applicant, named Wright to citizenship in the
Cherokee Nation at the office of the Commissioner in Hudson,
Indian Territory, on the 1st day of March, 1892, and from that
to day thereafter until the said applicant be heard by the commis-
sion during the usual business hours.

Cherokee Nation in suit by its next relative, L. B. Bell.

G. S. Rogers, being duly sworn, testifies as follows on
part of the Cherokee Nation.

MR. BELL:

- Q Tell me your name? A G. S. Rogers.
Q Age? A 43 years old.
Q Place of residence? A Chickasaw.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been here? A All my life, a little over 25 years.
Q Did you go out to the country during the war? A Yes, sir.
Q Then did you return? A Yes.
Q How did you come out? A Came to Fort Gibson.
Q And returned there did you? A Yes, sir.
Q Tell me what was your business? A After I came back
I set a few horses freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill
and Kansas City to Fort Gibson.
Q Were you ever acquainted with a freed man by the name of Moses
Whitire? A Yes, I know him.
Q Where did you know him? A He dropped in being
about 1874.
Q Do you know what particular business he belonged to?
A I don't remember whether he belonged to George Whitire or the
Whitires.
Q If you did see him when did you first see Moses Whitire after
the war, after he returned to the country?
A As well as I can remember it was in February, and I met him just
on this side of the Neosho River, as they were going back to this
country from Kansas. There was between 25 and 30 to 40 wagons
and I met them right on this side of the Neosho River. Didn't see
Moses Whitire and Aaron Whitire on the other side of the river
nor in the country.
Q Did you have any conversation with them, Aaron and Moses Whitire
at that time? A Yes, sir, and both Bill Ross asked me if I was thinking of going
going to Fort Scott.
Q Did you ask them where they were going to? A They said they was
going back.
Q Well this is at Fort Scott was loaded with people?
A Yes, mostly negroes and sawdust and goods in them.
Q Colony of Cherokee freedmen? A Yes, sir, coming back to the
Cherokee Nation.
Q Well how that was, when you go at that? A It was right on
this side of the Neosho River, between the old Hudson plantation
and Neosho River.
Q Now get from the Neosho River? A I don't recall a mile.

Q How far on the north line of the Cherokee Nation?

A I think the river is the line, about half a mile.

Q And how far is that from the Kansas line? A The second is the line, way I understand it.

Q You had reference to where the military band crossed the Neosho river? A Yes, sir.

Q At Jack Hinson's ferry? A They called it Hudson Ferry at that time.

Q Hudson lived there? A Yes, sir, in about a half mile.

Q And this Moses Williams you met and talked with is the same one you knew in going Snake and belonged to the White River? A Yes, sir.

Q About how old a man was he when you met him? A He is an older man I think than I am.

Q And you are other with him you know? A I think Aaron Williams and Moses Williams and Big Major Wright is the old one I know.

Q And you talked with him about? A Oh, I guess I talked with him for 15, 20 minutes and while I was talking to him, they were passing going to Fort Scott.

Q Do you know where this man Williams lived near Moses Williams you met?

A No, I don't know where he lived.

MR. HASTINGS, Cherokee Representative.

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know where he lives. I have saw him ever since I have been here. I don't think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

(Signed) J. C. Mason.

Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washkoga, T. T., May 30, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Sam J. Scooville, representing E. B. Lawson, for applicant,
E. W. Hastings, for Cherokee Nation.

COMMISSIONER: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 30th day of May, 1902, introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Sam J. Scooville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Cherokee Commission on citizenship as found on page 87 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Book of the Cherokee Commission on citizenship," as follows:

No. 86. Edward Wright
vs
Cherokee Nation.

Ex. 7th of June,
(Ans. or filed).

Judgment against claimant June 27, 1879.

The Cherokee Nation also offers in evidence from the same record as above page 87 of the same, the following:

No. 89. Major Wright
vs
Cherokee Nation.

(Ex. June 7th, claimant filed
on the 26 of June,
1st July 1879, let Ans.
set for trial).

Judgment against claimant June 27th, 1879.

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitman on the 26th day of June, 1876, as found on pages 183 and 5 of Book 9, entitled, "Citizenship Record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitman

vs
Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, was a colored person formerly a slave owned by a citizen and resident of the Nation of the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of the war they would subsist without support and exposure and until a removal of this was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this commission as are authorized as to do by law.

This June 26, 1873.

Lewis Whitmire.

W. V. B. Boudinot, Atty.

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"before the honorable commission sitting at Tahlequah to try rights to Cherokee citizenship.

In name of Moses Whitmire

vs

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the commission as the grounds of his claim.

Respectfully submitted,

Moses Whitmire.

June 26, 1873.

W. V. B. Boudinot, Atty.

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of commission Cherokee Court, Book 1," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire

vs

Cherokee Nation.

Tahlequah,

July 3, 1873.

Mike Fieles a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, S. W. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in 1862. I returned in August 1862 at 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott, there were others who started down, the Whitmire men of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 1st and went in January, 1867 and got to the crossing of the Neosho River about the 1st of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmire mobiliated the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Nick Sanders.

The Whitmire proper were Aaron, Lewis, Hoss, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting houses. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by Hakey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greengrass near Sugar Mountain on this side of Arks. River. When the Whitmire returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmire came down first to select and improve claims.

Nick & Fields,

his mk.

Aaron Whitmire

Cherokee Nation
called and sworn.

I reside in Coowasagocowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coowasagocowee District.

August 1, 1872.

Blusford Alberty, witness for claimant.

on the 2nd of September, 1866. I had occasion some time in the last of July, or the first of Nov, or probably it might have been as late as the middle of November, to go to the Virgilville. While out there I fell in with a party of seven or eight persons who were engaged with others near Sam Buchanan's. I did not go to the party. They were colored people. I knew part of them. Their names were Sam Webb, Cobbery, Aaron Whitmire, and a younger brother and Lewis Whitmire. There was a younger brother whom I was told was a hindoo. I do not recollect any of the others and can not identify them. The hindoo was Johnson and George Whitmire, Aaron, Lewis and his mother belonged to Aaron. In conversation with Sam Webb, he asked me if I knew anything about the treaty and if William H. H. had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves up on the plains and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent him down to work for him and make him a claim. He then asked what changed their mind to get provisions over on the river; I told him there was none there, but that there was a lot of concerned flour at Gibson and if they could get there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build their homes and so fourth. They also stated that they were satisfied to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I carried out at night. Did not see any of these parties after this time, May, 1867. There was no provision to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare for or for themselves in families. They told me at least. Major Wright belonged to Cornelius Wright before the war.

Brown, Kansas

I heard after this some of them had been to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was some of the Whitmire boys. They were owned by the Nation and remained here up to the breaking out of the war.

A. W. Alberty

Aaron Whitmire
re
Cherokee Nation.

I know Melissa Rabliff. She was twelve or thirteen years old at the close of the war. She was living with her son and still lives in my family. Jack Landrum was one of the boys above referred to, also Ransom Daniels. I learned from the Federal Agents Mike and Sam Webb that the Cherokee delegation advised to settle in a compact body on occupied lands. We crossed the Nation in early dawn at Nelson's Ferry in 1866. The chief ferryman who crossed us was Bill Martin. While on lightning track in 1866 I saw Mr. Alberty but had no conversation with him, but saw Webb and in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my mother. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Weber, Peter Lange, Will Foreman, Buck Sanders, Benson Daniels, Sam Weber, John Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire. Is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a part of family in 1865 when we came on from Kansas. My family was at Fort Scott. Witness, he right, and my wife and family composed my family. Louis had no family. Aaron and Nelson also Major, Sam, Nelson and Will were Aaron's children and his wife, Sara. They were left the wife and children in Fort Scott when we came on in 1865. Mike Sanders, Tim, Sanders were Nelson's family and back at Fort Scott. We went back last January 1868 to Kansas after coming to the Nation. Then witness returned in last to the Nation Aaron, Louis, Nelson, Benson, Daniels, Buck Sanders, Peter Lange and the families of those who had families all came as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire came in the Nation after the war closed was after our father returned in Illinois in 1867.

The first time Major Wright returned was on our first trip in 1867. Maria, Ratliff was married by one Alon Wright at Fort Scott. She first came in March 1867. Buck Sanders was along in 1866. He was a slave at the beginning of the war. I was present during the examination at Ft. Liberty as a witness to this case.

No Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his father on the first trip in 1868. Witness is about 55 yrs old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1868.

Attest

Mariah Whitmire

R. L. Nicholson,

Mark.

Clerk.

Case 63.

Aaron Whitmire & family

claiming citizenship.

Cherokee Nation.

Has come claimant by this before the commission sitting at Tanlequan to try certain claims for citizen ship in the Cherokee Nation and makes this his statement of his grounds for being able to do so.

Claimant is a colored person and claims an African and Indian blood of the fifth generation of the blood of African blood. He is referred by law to the commission to examine and decide rights of colored persons having been denied citizens.

Claimant belonged to one, William J. Cherokee nation at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence. While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitkire,

By Atty. Gen. P. Soudinot.

Aaron Whitkire

vs.

August 1st, 1878.

Cherokee Nation.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coconawabos, A. T. an Indian of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old military road leading from Fort Scott, Kansas to Fort Gibson, A. T. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I met him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Lewis, Dennis and Nelson, Whitkire, Peter Heiga, Mike Sanders, Sam Pepper, and young Sam, Bill Rorran and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans. they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. Nelson gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas as I left them at that time or probably a few days before Christmas.

Cross examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know the crowd before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time.

I crossed them over the river. I got word of this same party back over the river a short time after they had come in. Lewis, Wilson and Dennis Whitmore and little Sam. Father and I think they were there who crossed back but I can not blame them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one man with the party. I think he was little Sam. Father though I would not be right positive that there was a woman along or not. I was positive there was no children as I never saw any. They had gained there long enough that there were any women and children I would have known it. The next time I saw claimant was in the fall of 1887 on Big Creek. I learned from them that they had got there in March 1887. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time. I got them over the river. When I saw them in the fall of 1887 and their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Laron Whitmore

Vs

Cherokee Nation.

July 4, 1890.

Wm. McBracken for claimant.

Witness met claimant near Fort Gibson in Nov. or Decr. 1886. Not him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to going Snake his former home in the Nation and seven of claimant's brothers were behind on the road. Witness is a citizen of this Nation and knew claimant before the war.

Attest:

D. L. Nicholson, Clerk.

Wm. McBracken.

Laron Whitmore

Vs

Cherokee Nation.

Bluford Alberty.

George Whitmore before the war lived in Going Snake Dist. This Dist. borders on the line of the State of Ark.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was where George Whitmore now resides. I would say the distance from where George Whitmore resided prior to the war, and claimant's present residence is 20 or 100 miles. Witness states that he had a conversation with Sam. Father in which Father assigned as a reason for settling there he had to settle in a place or so quickly as it was convenient to do in an uncultivated part of the country.

This was thought best for the colored man as they could have their own schools as usual. There were more regulated in the summer.

The first conversation was in the fall of 1886. The second conversation was in the spring of 1887. I saw several of their families in May, 1887 on Big Creek & Hanging Creek in the Nation.

About the middle of May 1867 I first saw said party with their families at their new homes. Plaintiff and others of this colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Jones that most of this colored party returned to Kansas after their families and a few remained. I was at general convention of the colored people in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution and the treaty and to ratify the treaty. The treaty was concluded the 8th of Aug. 1866 in my information. It might have been July 26, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. V. Alberty.

Attest,

D. L. Nicholson,
Clerk.

Aaron Phillips

vs

Cherokee Nation.

Filed May 10, 1878.

This day before John P. Lyons Atty for Cherokee Nation and denies all and singular the allegations of plaintiff contained in the above sworn paper.

John P. Lyons,

Atty for C. N.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1868.

(SEAL)

(Signed) P. H. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original notes and file with the Commission, as the same was copied by me.

Subscribed and sworn to before me this 15th day of Aug., 1868.

Grace E. Jones
Notary Public.

P. 1-501.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washington, D.C., May 27, 1902.

In the matter of the application of Melissa McIntosh et al for
enrollment as Cherokee Freedmen;

SUPPLEMENTAL TO P-501.

APPEARANCES:

Misses & sons for applicants.

E. T. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony
filed by the Cherokee Nation in the case of Freedmen McIntosh et al
be introduced and made a part of the record in this case.

MR. BENT: The applicants object because the same is incompetent,
immaterial, irrelevant and does not tend to prove any issue
in this case, because it was not taken with reference to this case
and therefore not taken under the rules of this Commission with regard
to notice and cross-examination, and because the same is not
the best evidence, and because it is hearsay.

COMMISSIONER: The request of the Nation will be complied with
and the testimony filed.

Arthur A. Grainger, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported in full the proceedings in the above case, and that the fore-
going is a true and complete transcript of his stenographic notes
thereof.

Arthur A. Grainger

Subscribed and sworn to before me this 7th day of July, 1902.

(Seal)

E. T. Hastings
Attorney for Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Hunkogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Belliste & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mariam Hayden, D 498

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariam Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariam Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. O. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

E. C. Bagwell
E. C. Bagwell
Notary Public

Comm. R.

Cherokee Freedmen B 241.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Melissa McIntosh for the enrollment of herself and her two minor children, Bertha and Bonnie McIntosh, as Cherokee Freedmen.

DECISION.

The record in this case shows that on June 10, 1901, Melissa McIntosh appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of herself and her two minor children, Bertha and Bonnie McIntosh, as Cherokee Freedmen. The testimony taken at various times in the matter of the application of Edward Wright for enrollment as a Cherokee Freedman, also, that taken at Muskogee, Indian Territory, July 31, 1900, in the matter of the application of Bertha McIntosh, et al. for enrollment as citizens of the Creek Nation is made a part of the record herein.

An examination of the records of the Commission shows that the names of the applicants, Bertha and Bonnie McIntosh (as Ben B. McIntosh), appear on the partial roll of Creek citizens by blood, approved by the Secretary of the Interior, on March 13, 1902, at numbers 2833 and 2834, respectively.

The evidence further shows that the applicant, Melissa McIntosh, nee Ratliff, was the slave of Alex Ratliff, a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified, in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitwire, trustee, etc. vs. The Cherokee Nation, et al., for the return of freedmen to said Nation. She is not identified on the 1890 authenticated roll of the Cherokee Nation.

Section twenty-eight of the act of Congress, approved July 1, 1906 (34 Stat., 716), provides as follows:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

-2-

It is, therefore, the opinion of this Commission that the application for the enrollment of Martha McIntosh and Dennis McIntosh as Cherokee Freedmen should be denied, under the provisions of law above quoted; and that the application for the enrollment of Melissa McIntosh as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the act of Congress, approved June 25, 1906 (34 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

James F. Kirby

Chairman.

(SIGNED).

T. B. Needles

Commissioner.

(SIGNED).

C. R. Brockinridge

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this

JUL 29 1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., AUGUST 31, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application
for the enrollment of MELISSA McINTOSH ET AL., as Cherokee freedmen.

APPEARANCES:

Applicant appears in person.
Cherokee nation, W. W. Hastings.

MELISSA McINTOSH, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Melissa McIntosh.
- Q How old are you? A I don't know for certain but I must be near on to 50.
- Q What is your post office? A Canon City, Colorado.
- Q Are you the mother of Bertha and Benny? A Yes sir.
- Q Are they both living? A Yes sir.
- Q Either of them married? A No sir, the girl is going on 17 the boy is 15.
- Q You claim to be a Cherokee freedman, do you? A Yes sir, that is what they say I am, my father, of course I never believed it.
- Q What was the name of your owner? A My father was Ratliff.
- Q Were you born before or after the war? A Before.
- Q About how old were you when the war broke out, do you remember?
- A I was quite small, I don't remember.
- Q Do you remember about your father belonging to Alex Ratliff?
- A My father was Alex Ratliff.
- Q What is the name of your mother? A Her name is Lucy.
- Q Was she a Cherokee freedman? A She died at the beginning of the war, the same as my father died.
- Q You don't know whether your mother was a Cherokee freedman or not?
- A No sir, I don't know.
- Q Did you leave the Cherokee nation during the war? A Yes sir, they carried me away.
- Q Who did? A An old lady.
- Q What was her name? A Her name was Delilah.
- Q Was she related to you? A No sir, I think she belonged to Ratliff, my folks died and she carried me off to Kansas.
- Q What place in Kansas? A Fort Scott.
- Q Did you stay there until the war was over? A Yes sir.
- Q Did you ever come back to the Cherokee nation after then? A We come back in 1866, Uncle Mose Whitmire brought me back.
- Q Where did you come to? A In the Cherokee nation there down this side of Ghetopa, Kansas.
- Q Can you read and write? A I can read but not write very good.
- Q How old were you when you came back? A I don't really know, I was quite a small girl.
- Q Do you remember the war? A Yes sir.
- Q That was in 1866? A Yes sir, 1866, I remember that very well, of course I don't know just how old I was.

BY MR. HASTINGS:

- Q You are living at Canon City, Colorado? A Yes sir.
- Q How long have you been there? A Two years now.
- Q What year is this? A It is 1905.

- Q Did you ever live out of the Territory before two years ago?
A No sir, only when I was in Kansas, a small girl.
Q You come down close to Chatopa and stopped in 1866? A Down this side of Chatopa in the Cherokee nation, down in the neighborhood of Coody's Bluff.
Q Did you come when Moses Whitmire brought his family? A Yes sir, they raised me.
Q That is when they brought the women and children down? A Yes sir, they raised me.
Q That was when they brought the women and children down? A Yes sir when he moved his family.
Q Had it become the spring of the year yet? A It was in the winter when we came.
Q Just before early spring? A It was along in the winter, snow on the ground, seems like it was along in the first part of the winter. It must have been about December.
Q You all settled there and you never went back after that? A No sir, I never went back, I have been raised right here in the Cherokee nation.
Q Your two children are out yonder in Colorado with you? A Yes sir, they are citizens of the Creek nation.
Q Not neither one of them applying? A No sir./

Mr. Hastings: The Cherokee nation here desires to call the attention of the Commissioner to the fact that it has been shown in numerous cases heretofore that the Whitmire family came to the Cherokee nation in the last days of April or the first days of March of 1867.

- Q How long did you live on Lightning Creek up there? A Until I was grown.
Q Then where did you go? A To Muskogee, first one place and then another, I didn't go out, I haven't been out of the nation until I went to Colorado two years ago now the last of this month.

ON BEHALF OF THE COMMISSIONER/

- Q Did you live in the Cherokee nation continuously from the time you returned to it after the war until about two years ago when you went to Colorado? A Yes sir, I come to Muskogee and worked a little while.
Q Never lived out of the Indian Territory? A No sir.
Q Have you any witnesses or any other evidence you desire to introduce as to your return to the Cherokee nation after the war?
A There is no one that I knew of but old Uhole Mose.
Q You came at the time his wife and children came? A His wife, he didn't have any children.
Q Did anybody else come along at the same time? A A few other families, I don't just remember who, seems like one or two of his brothers.
Q Do you desire your case closed and a decision rendered on the evidence introduced? A Well, of course if you can make it so to give me allotment it will be all right but if it is in with these techs cases I suppose it will have to go on with them, went it? I don't know.
Q You had attorneys yet? A Yes sir, a lot of them had them, I guess I was included too.

--3--

You haven't them any more? A No sir.

Q You have no other evidence you want to introduce? A No sir,
there is none here that I know of.

THIS CASE IS CLOSED.

-----OO-----

George H. Lessley, being first duly sworn, states that as
stenographer to the Commissioner to the Five Civilized Tribes, he re-
ported the proceedings had in the above entitled cause, and that the
above and foregoing is a true and correct transcript of his sten-
ographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 9th day of September, 1905.

Myron White

Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE,
WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chas. R.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-661.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Melissa McIntosh et al., as Cherokee freedmen, the Commission is in receipt of Departmental letter of September 1, 1904, in which it is stated that the Acting Commissioner of Indian Affairs, in his letter of August 19, 1904, recommends that the Commission's decision rejecting said application be not approved as to Melissa McIntosh, and that she be enrolled as a Cherokee freedman.

In accordance with instructions contained in the Department's letter the applicant has this day been notified to appear before the Commission at its offices in Muskogee, Indian Territory, Tuesday, November 15, 1904, at nine o'clock A. M., and introduce testimony touching the date of her return to the Cherokee Nation. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,



Chairman.

COMMISSIONERS
TAMM SIXBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1789

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-661.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 1, 1904.

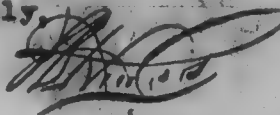
Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, rejecting the application of Melissa McIntosh for the enrollment of herself and her two minor children, Bertha and Bennie McIntosh, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.

Encl. S-188.
Register.

COPIES OF REPLY TO THE FOLLOWING:
Cherokee
P D-661.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 12, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on August 31, 1905, in the matter of the application for the enrollment of Melissa McIntosh et al., as Cherokee freedmen.

Respectfully,

W. O. Beall
Acting Commissioner.

Incl. GL-271.
GHL

Land.
18641-1864.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

February 14, 1897.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letter of July 19, 1896,
(I.T.B. 5003-1896, 5004-1896), wherein the Department resumed
its decision favorable to the applicants in the Cherokee freedmen
enrollment case of Mary Robbins, et al., except as to James Rogers,
and remanded the case to the Commissioner to the Five Civilized
Tribes for further hearing and re-adjudication, I have the honor
to transmit herewith a communication from the Acting Commissioner
to the Five Civilized Tribes, dated December 3, 1896, transmitting
the record of the proceedings had in the matter of the consolidated
application for the enrollment of Mary Robbins, et al., as Cherokee
freedmen, including the decision of the Commissioner, dated
December 3, 1896, denying the application for the enrollment of
Mary Robbins, Lillie and Chasman Jones, Lillie Ransom, Nellie and
Bertha Love, and Albert and James Rogers.

On receipt of Departmental letter of July 19, 1896,
the applicants herein were notified on August 20, 1896, that further
testimony would be taken at the office of the Commissioner on
September 27, 1896. By stipulation of the attorneys, this date
was further postponed to October 11, 1896, at which time further
testimony was taken. The testimony of Dorcas Buffington, a witness
in behalf of the applicants, was taken at Melvin, I.T., on October
10, 1896.

The evidence shows that the principal applicant herein, Mary Robbins, was a slave of a Cherokee citizen at the beginning of the Civil War, and that during the progress of the War she left the Cherokee Nation and went into the State of Kansas and resided for some time at or near Fort Scott. It is further shown that she did not return to the Cherokee Nation until after February 11, 1867. The books now tend to show that she did not return until about the year 1870, though the exact time is not conclusively shown.

The record further shows that all of the other applicants included in this case are descendants of Mary Robbins, and were born since 1866, and neither claim nor possess any rights in servitude or Cherokee freedom other than as descendants of Mary Robbins. Some of the applicants can be identified on any of the authenticated rolls of the Cherokee Nation in possession of the Commissioner to the Five Civilized Tribes, except on the Kaw-Clifton roll.

Under the provisions of Section 21 of the Act of Congress approved June 24, 1866 (14 Stat., 494), the Office is of the opinion that the decision of the Commissioner to the Five Civilized Tribes, dated December 8, 1904, denying the application for the enrollment of Mary Robbins, Nellie Jones, Herman Jones, Lillie Jones, Henson Love, Beulah Love, Bertha Love, Albert Rogers, and Fannie Rogers, is correct and it is respectfully recommended that it be affirmed.

Very respectfully,

C. F. Lavender,

Acting Commissioner.

END-22

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.S. 1342-1307

March 4, 1907

THE

CHIEF

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 14, 1907 (Land 13421-1344), copy whereof is enclosed, your decision of December 3, 1906, denying the application for the enrollment of Mary Robbins, Dollie Jones, Sherman Jones, Lillie Love, Annan Love, Evelyn Love, Bertie Love and Albert Rogers, and Janet Rogers, is hereby affirmed, and the Department, in pursuance thereof, has hereby cancelled the names of Mary Rogers, Dollie Rogers, Sherman Jones, Albert Rogers, Lillie Jones, Annan Love, Evelyn Love and Bertie Love, from the approved roll of November 14, 1904, at Cherokee fraction, opposite numbers 2300, 2301, 2302, 2303, 2307, 2304, 2305, 2306, respectively.

You will take similar action upon the partial roll in your possession, and the Indian Office has this day been directed to take similar action.

The record in the case has been returned for the files of the Indian Office, together with copy hereof.

Respectfully,

I enclose, and
I enclose, with copy hereto to I.O.

(Signed) James E. Wilson

WV 2/1/07

Acting Secretary

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.
D 661.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 21, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the application for the enrollment of Melissa McIntosh and children, Bertha and Bennie McIntosh, as Cherokee freedmen, was denied by the Secretary of the Interior, March 4, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-29
LMC

Cher Fr D 662

Cher Fr D 662

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsoh, I.T., June 10, 1901.

In the matter of the application of Cynthia Hoard for the enrollment of herself and six children as Cherokee Freedmen, being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q What is your name? A Cynthia Hoard.

Q How old are you? A I don't know, ask Mr. Dick Walker, he is my young master.

R.M. WALKER, being sworn and examined by Com'r Breckinridge, testified as follows:

Q Give me your name? A R.M. Walker.

Q How long have you lived in the Cherokee nation? A All my life except during the war.

Q This woman doesn't seem to know her age, do you know anything about her age? A She claims to be the woman that belonged to us before the war, and if she is the one she represents herself to be, she is about 42 or 4 years old I guess now.

Q Do you know whether she is that woman or not? A No, I couldn't say.

Q But if she is she is 45 years of age? A Yes sir.

APPLICANT recalled, and further examined by Com'r Breckinridge

Q What is your post-office? A Chelsoh.

Q Do you live in Cowleshook District? A Yes sir, I guess so, I live four miles from town, out on that hill.

Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.

Q Do you want to apply for anybody besides yourself? A Six children.

Q Are these children all under 21 years of age? A Yes sir.

Q All living at this time? A Yes sir.

Q Are they all unmarried? A Yes sir.

Q Do you apply for your husband? A My husband is a state man.

Q Has he ever got out any Cherokee blood when he married you?

A No sir.

Q How long have you lived in the Cherokee nation? A Just about all my life, I have lived in this settlement about 12 years.

Q Were you born in the Cherokee nation? A Yes sir, on Miss Bettie Walker's place.

Q Were you married out during the war? A I don't remember anything about it.

Q Where is the first time you have any recollection of it? A Ft. Gibson.

Q Have you ever been out of the Cherokee nation that you can remember? A I have been out since I have been grown some, and worked out.

Q Where have you worked? A There was a lot of youngsters, me and some others went to Otepe and worked awhile.

Q How long did you all work up there? A Two or three months I think.

Q And then came back home? A Yes sir.

Q Is that all the work you have done outside? A After that I went out and worked I think about four months.

Q Then you came back home? A Yes sir.

Q Is there any other time you have been out to work? A I haven't been out for a good while, since that time.

Q Have you been out often to work across the line? A Well just tolerable, since I have been married I haven't been out very much, but before I was married I went out a good deal and always got some money.

Cynthia Board et al 2

Q Give me the name of your father? A Edmund Campbell.
Q Is your father alive? A Yes sir.
Q Is he a Cherokee Freedman? A Yes sir.
Q Where is he living? A He lives at about seven miles I think from Tallahassee, what they call Park Hill.
Q Give me the name of your mother? A Fannie Walker.
Q Is she alive? A Not as I know of. I am not sure whether she is alive or not.
Q When did you last see her? A I haven't seen her for about, I don't know exactly how long it has been since I saw her. I heard she was going to Texas, but I don't know whether she went or no.
Q Have you any idea how long it is since you saw her last? A It may have been, I don't know how long it has been, it has been ten or twelve years since I heard from her.
Q You heard she was going to Texas? A Yes sir, but I haven't seen her got a long while.
Q Who was it your father belonged to during the war? A He belonged to the Campbells.
Q You remember the name of his master? A No sir, I don't, but I think some of these older men do.
Q Who was it your mother belonged to? A Belonged to Miss Nancy Walker.
Q Was she the mother of Captain Walker who just died just now in your case? A Yes sir, his mother.
Q She is alive now? A Yes sir.
Q Living at Ft. Gibson? A Yes sir.
Q Did your mother live with your father up to the time you heard of her going out perhaps to Texas? A No sir, they parted, he belonged to the Campbells and she belonged to Miss Walker.
Q Have you any recollection of your father and mother living together? A No sir.
Q They parted before you can remember them? A Yes sir.
Q You have been married have you? A Yes sir.
Q How many times have you been married? A Just one.
Q When were you married? A About twenty years.
Q To whom were you married? A To Henry Board.
Q Is he alive? A Yes sir.
Q He is a state man? A Yes sir.
Q Is there anyone here who knows that you and Henry Board have been married, and are living together as husband and wife? A Yes sir, they know we have been living together.

MOSE HARDRICK, being sworn and examined by Gen'l Breckinridge testified as follows:

Q Give your name? A Mose Hardrick.
Q How old are you? A 71.
Q What is your present office? A Constable.
Q Do you know this appellant here? A Yes sir.
Q How long have you known her? A I have been knowing her pretty near ever since she has been born.
Q Did you know her mother? A Yes sir.
Q Did you know her father? A Yes sir, I knowed her father and she said he was her father.
Q Where did you first know them? A At Mr. Tim Walker's. I knowed her mother and her father was at Arch Campbell's.
Q Has this woman ever been married? A Yes sir, she has been married a times to this man she has got.
Q About how long have you known them as husband and wife? A I can't exactly say how long it was, but it must have been more than 14 years.

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Q They have been living together as husband and wife have they?
A Yes sir.

APPLICANT re-called, and further examined, by Con'x Breckinridge, testified as follows:

Q Now give me the names of these six children? A Robert Hoard.
Q How old is Robert? A 17.
Q Now the next child? A Ella.
Q How old is Ella? A 15.
Q Next child? A Armit.
Q How old is Armit? A 11 years old.
Q Next child? A Clifton.
Q How old is that child? A 7.
Q Next child? A 5.
Q Give me the name? A Edmund.
Q Now the next child? A Tecumseh.
Q How old is Tecumseh? A I think he is three years old.
Q These children are all living now? A Yes sir, all of them is living now.
Q What name did you carry before you were married? A Cynthia Walker.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant and name not identified thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Q Did you draw Cherokee a Strip money? A No sir.

Kane-Clifton pay roll of citizens of the Cherokee Nation examined and applicants not identified thereon.
Wallace roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Q How come that you are not on any roll at all? A I applied when Wallace had his court, and I supposed my father put me on, and the Clifton and Kane roll, reason I didn't get on there I was sick, and they had to bring me home just as the court opened, for I was taken sick.

Q Why were you not on the roll of 1880? A I don't know, some of the older folks will have to say, I thought I was on that roll.

Q That was about the time you were married? A I don't know why I wasn't on, I don't say, I have lived around, I just supposed I was on there, I asked my mistress if she thought I was on there, and she didn't know.

Q Did you know her your old Mistress, Mrs. Nancy Walker? A Yes sir.

Q Did you live with her after the war closed? A No sir.

Q Have you seen her since the war closed? A Yes sir, I have been down and seen her twice.

Q When was that? A I went down to see her about when she was then was paying off the Kernal money, I went down to see her then.

Q Was that the first time? A Yes sir, that's the first time I had been down.

Q And then you have seen her since that time? A Yes sir, I have seen her daughter, Miss Anna Drake, ever since I have lived here, I have worked for her off and on.

Q Where does she live? A About two or three miles in the neighborhood.

Q Where did you first work for her? A I don't know, I think it has been about 11 years ago.

Cynthia heard at al 4

Q Have you worked for her occasionally since then, have you?
A Yes sir.

Q Where were you taken during the war, do you know? A No sir, I don't, I don't know whether I was ever taken out when I was little or not, I remember being in Gibson though.

1890 authenticated roll of citizens of the Cherokee nation examined for Edmund Campbell and name not found;

1890 authenticated roll of citizens of the Cherokee nation examined for Fannie Walker, nee or Campbell, and not found.

Kern-clinton pay roll of citizens of the Cherokee nation examined for applicant's father, and name not found.

Q How old is your father now? A I don't know, they brought him from the old country.

Wallace roll of citizens of the Cherokee nation examined for Edmund Campbell, and identified as follows:

page 107 #2276 Edmund Campbell, Tahlequah District.

Q In looking over the testimony of your father, or the man who was supposed to be your father, Edmund Campbell, it seems that he lived at Tahlequah and was born way back in 1822? A Yes sir.

Q He says that he married his wife in 1851, that was way back before the war, and he belonged to Arch Campbell, and that he and his wife lived together until she died, he is some thing like two years ago; now you say your mother's name is Fannie Walker?

A Well my mother's name was Fannie Walker.

Q He has a wife named Sophie, that wasn't your mother, that Sophie?

A No sir; Fannie Walker was my mother.

Q What are the names of Sophie's children? A I only know two of her children, and that was Joe, and she had another girl named Hannah; I think she had Hannah by some body else, I don't know who is the father of Hannah.

Q You are not Sophie's child? A No sir.

Q You are a child of this woman Fannie? A Yes sir.

Q You have no recollection of Fannie ever living with this man as his wife? A No sir.

Q Do you remember your mother though? A Yes sir.

Q Have you any witness you want to introduce? A Yes sir, I have Mr. Riley and Luster Bowman.

Examined by Cherokee Representative, James Davidson:

Q Where did you go during the war, do you know? A I don't know, I don't remember going out during the war.

Q Where were you lived since the war closed other than in the Cherokee Nation? A I have lived here some.

Q I am speaking of outside of the Cherokee nation? A I worked at Oostopa some.

Q About how long at Oostopa? A I don't know, I worked at Oostopa there two or three months the first time, and I may have worked there a little longer the next time.

Q Is that the only place you have worked outside of the Cherokee Nation since the war? A No sir.

Q Where were you married? A In South McAlester, I married a man.

Q That is, a man who worked in the mines? A Yes sir.

Q Have you lived anywhere else other than South McAlester? A I just went home there.

Q When did you come back to the Cherokee nation after you were married at South McAlester? A I came right back and stayed a while and then I went to San Jolin, my husband worked there awhile.

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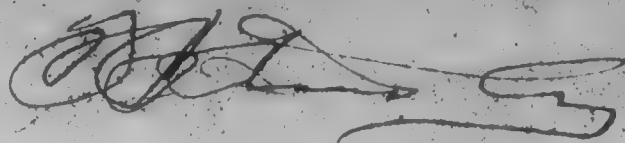
- Q How long did you stay at Joplin? A I think I stayed there about five months.
- Q Didn't you stay about five years there? A No sir.
- Q Where were you when the Wallace roll was made? A I was here in the country, I applied to the Wallace roll.
- Q You didn't get on? A No sir.
- Q Where were you when the Kern-Clifton Commission was here? A I was living right here.
- Q Why didn't you go and apply to the Kern-Clifton Commission? A I was sick, I was sick all that time, I had a young baby, I wasn't able to attend.
- Q How long was you sick? A I taken sick when it first come to Anderson's and of course I wasn't able to follow.
- Q Didn't the Kern-Clifton Commission hold in the Cherokee nation from about April until October? A I don't know.
- Q Don't you know they were at Lightning Creek and up here on the hill, and at Vinits and at pt. Gibson, all around in this country about here? A I don't know about that, but I know when my baby was born I was sick a long time, and they didn't think my child would live.
- Q You had a husband at that time? A Yes sir, he was a state man.
- Q You had grown children at that time? A No, they wasn't grown.
- Q You got back here about 12 years ago? A No sir, I was back here before any 12 years.
- Q When did you first go to Mrs. Drake? A I have been there, I don't know.
- Q About ten years ago? A It might be as long as that, but I didn't come to the Cherokee nation then.
- Q When did you first go to see Mrs. Betsey Waller? A That has been a good while ago.
- Q How many years? A I was down this year to see her.
- Q I mean after you come back to the Cherokee nation? A I hadn't just come back when I first went to see her.
- Q How long had you been back? I don't know, I had been back here a long time in this Nation, I hadn't been running around all my life.
- Q When did your mother die? A I don't know.
- Q You can't remember that? A I don't know when she died, I don't know whether she is dead or alive, when I heard from her last she was going to Texas.
- Q She went to Texas during the war? A No sir, that's what the old folks tell us.
- Q You don't remember of ever seeing your mother? A Yes sir, I remember seeing her.
- Q Your mother wasn't been living in the Cherokee Nation for many years? A No sir, I guess not, but I haven't been with her at all.
- Q You haven't talked your mother nor been with her? A I have never or lived with my mother any mother, because she just laid me aside and I had to do the best I could.
- Q You didn't go to Texas with her? A No sir.
- Q Have you ever lived in Texas at all? A No sir.
- Q Arkansas? A No sir.
- Q Kansas, except at One topa? A Yes, I have been at One topa.
- Q How long have you been at One topa all told? A I tell you about how long, I went there to work.
- Q How long in Oklahoma? A No sir.
- Q How long did you live in the Cherokee Nation? A I told you how long I was there, went there and married, I didn't stay a week, I went there and married and came on back.
- Q Your husband was working there? A Yes sir, but he quit work.

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M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this June 19, 1901.



Commissioner.

FURTHER TESTIMONY IN THIS CASE WAS TAKEN BY STENOGRAPHER Rosson

Cynthia Hoard, et al., Cont'd 1.

CYNTHIA HOARD Application Continued. Former position reported by Stenographer W. D. Green.

LUSTER FOREMAN, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give your name. A Luster Foreman.
- Q How old are you? A I am about 68 years old I reckon, or 69.
- Q What is your post office? A Vinita.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Were you a slave in the Cherokee Nation when the war came on?
- A Yes, sir.
- Q To whom did you belong? A I belonged to Gustie Foreman in Illinois District.
- Q Did you know the applicant here? A No, I didn't really know her now, I knowed her when she was a child, I guess I know her mother what she said is her mother.
- Q Well, have you any way of telling whether this is the child of that woman that you did know? A Well she told me she was, I haven't seen her since '66, along in there and she said she was a child of Fanny Walker's.
- Q When did she tell you that? A She told me that the year before the Wallace Court, or before the Clifton Court, or something.
- Q Before the Clifton Court? A Yes, sir, it was before that I met her.
- Q You have no ~~any~~ recollection of her back in her early childhood?
- A I recollect her when Fanny had a girl child with her sister Charlotte.
- Q When did Fanny Walker belong to? A I don't know, she claimed to belong to Tim Walker.
- Q How long since you saw Fanny Walker? A Oh, I haven't seen her since along about '66 or '67, along in there.
- Q Did Tim Walker have a wife? A Yes, sir, I guess he did I am not acquainted with them before the war.
- Q Did you know the old lady Mrs. Betsey Walker? A I don't know her.
- Q You have heard of her? A Yes, sir.
- Q Is she connected in any way to Tim Walker? A There was two Walker families, Betsey Walker and Tim Walker; I was acquainted with Betsey Walker.
- Q Well, you knew Fanny Walker back in slavery days?
- A No, sir.
- Q I thought you said you knew Fanny Walker? A I knew her in '66.
- Q Where did you see her? A In Fort Gibson with her sister, Charlotte Walker.
- Q Are you sure it was in '66 you saw Fanny Walker? A Along in '66, '67 along in there sometime I seen them, I am well acquainted with Charlotte.
- Q Is Charlotte living now? A No, sir, she is dead.
- Q How long has she been dead? A I don't know how long she has been dead; it has been quite a while.
- Q Twenty years? A I reckon I don't know whether it has been that long or not.
- Q Well, you had never known Fanny Walker before that?
- A No, sir.
- Q Well, did you know her after that, any to speak of? A Yes, sir, I got acquainted with her there, and that is all I have ever seen her.
- Q And that is the only time you have ever seen her?
- A I saw her several times there.
- Q You saw her several times along about that year?
- A Yes, sir, that year.

Cynthia Heard, et al., Cont'd 2.

Q And then you lost the run of her? A Yes, sir, I knew Charlotte Walker.

Q Was that the first time you met Charlotte Walker? A I don't remember whether it was the same time or before.

Q Did you see much of Charlotte Walker after that?

A No, sir.

Q Now what is there to impress upon your mind that you met this Fanny Walker in 1866, whom you never saw before and whom you never saw after? A Well, I tell you what impressed me, I used to go there a good deal; she was a good friend of mine.

Q You remember her distinctly? A Yes, sir, I remember Charlotte Walker good.

Q I mean Fanny? A Fanny, Charlotte, told me this Fanny was her sister.

Q Well, how many children did Fanny have at that time? A I don't know.

Q How don't you know how many children? A No, sir, but I remember seeing, having a little girl there with her and this lady says she is the one that was there.

Q And that is all you know about it? A Yes, sir.

Q She had one little girl with her? A Yes, sir; all I seen, she may have had more, I never paid any attention to the children.

CYNTHIA HEARD, the applicant, recalled:

Q Did you have a sister named Charlotte? A No, sir.

Q Did you have an Aunt named Charlotte? A Yes, sir, I had an Aunt named Charlotte.

LUSTER FOREMAN, recalled: BY MR. J. B. DAVENPORT, Cherokee Representative:

Q Now, Luster, are you sure you saw a woman called Fanny Walker who had been a slave of Tim Walker any time after the war?

A Yes, I am sure that this Charlotte told me she was her sister.

Q You don't know whether you ever saw the woman, Fanny Walker, whom this woman claims to be her mother, there or not?

A That is the way she told me, give me the introducing and told me she was her sister.

Q Did you ever see or hear of any other Fanny Walker in that country? A No, sir.

Q And the Fanny Walker you saw there is the Fanny Walker whom claimed to be the slave of Fanny and Tim Walker? A That is what she said.

MOSE RILEY, being sworn and examined by Commissioner C R. Brackridge, testified as follows:

Q Give me your full name. A Mose Riley.

Q How old are you? A 51.

Q What is your post office? A Chassee.

Q How long have you lived in the Cherokee Nation?

A Lived in here all my life.

Q Are you on the roll of 1860? A No, sir.

Q Were you a slave in the Cherokee Nation when the war came on?

A Yes, sir.

Q To whom did you belong? A Glen McHair and Susanna McHair.

Q Where did they live? A On the east side of Grand River in Saline District.

Q Your what place now? A Three miles north of the Orphan Asylum, Cherokee Asylum.

Q That is east of the Town of Pryor Creek isn't it? A Yes, sir, right across the river.

Q Are you acquainted with the applicant here? A Yes, sir, I have been.

Q How long have you known her? A I have known her about 28 years somewhere near that, along there somewhere.

Q What was her name at the time you know her? A Cynthia; she sometimes went by the name of Cynthia Walker and sometimes by the name of Cynthia Campbell.

Q Did you ever know a woman named Penny Walker?

A No, sir, I didn't know her.

Q You never know the Penny Walker that this woman claims as her mother? A No, sir, I never know her, I know her father.

Q Penny Walker's father? A No, sir, I know this woman's father, Ed Campbell.

Q Is he living now? A Yes, sir, I guess he is; I haven't saw him since the census taking down to Elk Gibean is the last time I saw him.

Q You mean here lately? A No, sir, before, when the census taking was here; I was there and saw him and talked with him.

Q Is that the Ed Campbell that lives near about Tahlequah? A About Park Hill.

Q You don't know anything then about this woman's mother?

A No, sir.

Q And you don't know anything about this woman further than 28 years ago? A No, sir, the first I got acquainted with her has been about since that time.

Q Have you known her pretty well since then? A Yes, sir, I have known her about ever since then.

Q Has she always lived as far as you know, ever since you met her here in the Cherokee Nation? A Yes, sir, she lived here, but she went out with me and a lot of them to Chatopa to work; that is, I went out there.

Q She went out at the same time? A Yes, sir, there was a lot of us youngsters went out to work.

Q Do you know when she came back?

A No, sir.

Q When did you go up there? A We went out after laid by corn and come back early in the winter.

Q Was she still there? A No, sir, I didn't see her there after I came here; she wasn't working at the same place I was.

Q Did you see her all the time you were up there? A No, sir, not all the time.

Q Up to about how long? A I don't know, sir, I must saw her a month or two, her and her sister was working all the time.

Q Her sister? A My sister.

Q Did you know of her working out any time after that?

Q I wasn't to where she worked at but then I understand she worked out; I didn't see her working out.

Q You have no knowledge of your own? A No, sir.

Q Did you ever hear of her going out a to leave and make her home?

A No, sir; the next time I saw her then was on Big Creek.

Q You never heard of her having moved out of the Nation and making her home on the outside? A No, sir, not that I remember of.

Q Have you any knowledge of her working out of the Nation except that one time that you speak of?

A I heard that she did but I never heard of her.

Q Don't know that yourself? A No, sir, we used to go out every fall a month or two but I never heard of her.

Q That was just to do some work? A Yes, sir.

Q You would work and come back? A Yes, sir. Come back late in the fall or early in the winter.

Q Well, do you know her now as Cynthia Hoard? A Yes, sir.

Q She is married? A Yes, sir.

Q And got a lot of children? A Yes, sir.

Q All called Hoard, these children? A Yes, sir.

Cynthia Heard, et al., Cont'd 4.

R. M. WALKER, being called as a witness on the part of the Cherokee Nation, sworn by Commissioner C. R. Brackinridge, testified as follows: BY MR. DAVENPORT:

Q Where do you live Mr. Walker? A Fort Gibson.

Q Where were you raised? A Well, we lived at Park Hill up to the beginning of the war; we went out during the war and came back and settled near Fort Gibson.

Q What was your father's name? A Tim Walker.

Q Your mother? A Betsey Walker.

Q At the breaking out of the war did your father own a slave by the name of Fanny Walker? A Yes, sir.

Q Do you know where Fanny Walker went during the war?

A I understand she went to Kansas.

Q Have you ever seen Fanny Walker since the war?

A No, sir.

Q I wish you would state if your and your father tried to locate and find Fanny Walker in the Cherokee Nation after the war closed?

A Yes, sir; after we got back after the war, we found all of our other darkies we left with the exception of an old darky by the name of Coose that had died and a boy that had died that was taken south, and we have never seen Fanny; she has never returned to the Cherokee Nation.

Q When did you return Mr. Walker? A In February, 1866.

Q You and your father moved and located there at Fort Gibson?

A We sir, we lived the first year in Town and in the spring of '67 we moved in about two miles of town and have been living there ever since.

Q You have never seen Fanny in the Cherokee Nation after 1866?

A No, sir.

BY COM'R BRACKINRIDGE:

Q Did this woman Fanny have a sister named Charlotte?

A Yes, sir, we found her at Fort Gibson when we came there; she has two sons and one of them died in Texas and the other came back just after the war.

Q Have you been where this woman Charlotte was living?

A Yes, sir, she died about 12 or 15 years ago.

Q Well, when did you first see Charlotte after the war?

A After the war I came down with my father in 1865, I drove a team down from Fort Scott, and went and hunted them up.

Q Hunted Charlotte up? A Yes, sir.

Q Did you see her yourself? A Yes, sir.

Q Were you there by you? A Yes, sir, we went and hunted them up; she was a very favorite old darky.

Q Did you ask about Fanny? A Yes, sir.

Q She hadn't been there? A No, sir.

Q You got no news of her? A I think my father said a year or two after that; he used to freight from Fort Scott and I think he saw Fanny in Fort Scott.

Q But as to your own personal knowledge she has never been around Fort Gibson? A No, sir.

Q When you were looking there you didn't see Fanny; you could not hear of her? A No, sir, haven't seen her since the war.

Q Did you ever hear of Fanny having any children? A Well, Fanny had one girl when the war broke out.

Q Did you ever get the son of this girl? A No, sir; I saw this woman down to Gibson something like six months ago and was up to see my mother and claimed to be Fanny's daughter; Fanny had a daughter a month or six weeks old when the war broke out, by the name of Cynthia.

Cynthia Hoard, et al., Sent'd 5.

Q That was when the war broke out? A Yes, sir.

Q And this woman about three or four months ago put in an appearance and claimed to be that Cynthia? A Yes, sir, she was up to see my mother.

CYNTHIA HOARD, the applicant, recalled: BY COM'R BRIDGES:

Q Where is your first recollection? A My first recollection is in Fort Gibson.

Q When were you staying with? A I was staying with Uncle Mose Hardrick's sister.

Q Is Mose Hardrick living? A Yes, sir.

Q Why don't you bring him into your case? A He is out there, he knows that I was to his sister's house.

Q How long did Mose Hardrick's sister have charge of you? A Well I stayed down there with her I guess; now, I want to tell you just as near as I can; I don't know whether I stayed with her two years or three years; I was down there to help her, her husband got shot and I don't know how long it was.

Q You stayed there a while and then who had charge of you; I want to find out who brought you up? A I stayed there a while and I went from down there, went and stayed with my stepfather and mother.

Q Who are they? A Sophia Campbell and Ned.

Q And your father M. Campbell? A Yes, sir.

A I stayed with them a while and got tired and went and stayed with Uncle Mose Hardrick a while.

Q And then you went to stay with your uncle Mose Hardrick? A Yes sir.

Q Now, you call him Uncle? A Yes, sir, I call him uncle.

Q Why do you call him uncle; is he any kine? A No, sir, I just always called him uncle.

Q Was his wife any kin? A No, sir, he just knowed her when she was a slave and I used to visit his wife.

Q So Mose Hardrick and his wife just took care of you out of kindness? A No, sir.

Q Did your father ever come around you and look after you?

A Yes, sir, my father has come to me; I was down there about three years, go and stay with him six months.

Q Have you been with him off and on ever since the war closed?

A Yes, sir.

MOSE HARDRICK, being sworn and examined by Commissioner C. R. Brockbridge, testified as follows:

Q Your name is Mose Hardrick? A Yes, sir.

Q 71 years old? A Yes, sir.

Q Your post office? A Chelsea.

Q How long have you lived in the Cherokee Nation?

A All my life until the war.

Q Were you a slave in the Cherokee Nation when the war came on?

A Yes, sir.

Q Who was it you belonged to? A Louis Ross, an Indian.

Q Where did he live? A Down here in Galena, on Grand river, near the Arapaho.

Q The other side of Ross River creek? A Oh, yes, sir.

Q About ten miles? A I don't know, I ain't been in there.

Q Do you know this woman here, this applicant? A Yes, sir.

Q Where did you first see her? A What do you mean since the war?

Q In her life? A When I first seen her she was in her mother's arms.

Q When was that? A That was before the war at Jim Walker's.

Q Did her mother belong to Jim Walker? A Yes, sir.

Gynthia Hoard, et al. Cont'd 5.

- Q Where did he live? A Lived down below, well right at Park Hill
Q Was Tim Walker any kin to old lady Mrs. Betsey Walker that lives
down there at Port Gibson? A No, sir, wasn't any kin, that was
his wife.
Q That is the father then of this Captain Walker here?
A Yes, sir.
Q They were living up there about Park Hill before the war?
A Yes, sir.
Q Well, you saw this woman there before the war at Park Hill in
her mother's house? A Yes, sir.
Q Well, when did you see her after that, A I seen her in '66 down
at Port Gibson.
Q How did you happen to see her then? A I went down there to
see my sister; I hadn't seen her after the war and I come down and
laid my corn by and went to see her and she was there playing with
the baby and I stayed there three or four days and I come on back
and left her there.
Q When did you see her after that? A I just guess it was pretty
near three years.
Q Where did you see her then? A Her and Tobe Martin and Mose
Riley and a lot of them was going up in the states to work.
Q How big was she then? A Oh, girl about that high (indicating)
I guess.
Q About 12 or 13 years old? A I don't know.
Q She was going up in the states to work? A She was going up
with the people that was going to work.
Q Where did you see her after that? A I am not certain about the
next time I saw her; I don't know whether it was at a gathering or
where.
Q You first saw her at your sister's house in Port Gibson?
A Yes, sir.
Q Are you clear in your mind as to when that was? A It was in
the summer of 1866.
Q Do you know the man she claims as her father? A Remond.
Q Campbell? A Yes, sir.
Q Do you know whether this man ever claimed this woman as his child?
A No, sir.
Q Do you know whether this woman, Fanny Walker, ever lived with
Remond Campbell? A No, sir, I don't.

BY MR. DAVENPORT:

- Q Now, you are not on the 1880 roll are you? A No.
Q What time did you get back to the Cherokees Nation?
A In the Spring of 1866.
Q You came back before the treaty was made? A No, I guess not.
Q Well did you or did you not come back before the treaty was made?
A That is a hard question for me to tell when the treaty was made.
Q Don't know when the treaty was made, don't know what year it
was made? A No, sir, that is something out of my line of business.
Q Well, where did you make a crop in 1866? A I didn't make any
crop.
Q Didn't you say that after you laid your crop by you went down
there to see your sister? A Yes, sir, I made a garden spot.
Q Where did you make that garden spot? A On the Dr. Thompson
place.
Q That is over on Grand River? A Yes, sir.
Q She was living on that Dr. Thompson place? A Tobe Martin and
Mose Riley.
Q Where was Dr. Thompson living? A I don't know.
Q Did you ever make a crop in the spring of '66? A No, didn't
have anything to make it with.
Q Did you ever see her down there when you got down to Port
Gibson? A I said it a while, I saw this girl there in the yard
with my sister.

Cynthia Heard, et al., Cont'd. 7.

- Q Did you see her mother there? A No, sir.
Q You are sure this is the girl? A I believe I am sure this is the child.
Q You saw her there and you saw her near? A Yes, sir.
Q And you don't know whether she has been living since that time? A No more than when I seen her she was here in the Nation and I have never seen her since.
Q You haven't seen her from that? A No, sir.

COMMISSIONER'S REPORT--The applicant applies for the enrollment of herself and six children. The applicant is not identified upon any roll. She claims to have been born in the Cherokee Nation and to have been the slave in the Cherokee Nation of a Cherokee citizen at the breaking out of the Civil war. If her testimony be correct she is the child of one Edmund Campbell, who is an Cherokee Freedman rejected card #60, but not the child of his lawful wife, and according to her testimony her mother threw her off and left her in the care of other people. There is evidence to indicate that she was in the case of a colored woman in Fort Gibson in 1866, and she is reasonably well identified as having lived consistently in the Cherokee Nation ever since. Of her alleged mother very little can be learned except that she was a slave in the Cherokee Nation at the beginning of the Civil War and the slave of a Cherokee citizen. She cannot be identified upon any roll, nor can the period or fact of her return to the Cherokee Nation be distinctly established. The applicant's change of name by reason of marriage is established in a satisfactory manner. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card for the further consideration of her testimony and she is desired to have her father, now living at or near Tahlequah, to give evidence in her case. As for the six children there are not identified upon any roll. They are all said to be living at this time, and are minor and are unmarried, and they will now be listed for enrollment as Cherokee freedmen upon a doubtful card with their mother to await the determination of their status. Their father is a state man and hence he claims that these children have inheritance through their mother. The applicant is desired to supply the Commission with certificates of the birth of these children and file with them with the Commission.

---0000000000---

J. G. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Reason

Subscribed and sworn to before me this 2nd day of June, 1901.

[Signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 11, 1902.

In the matter of the application of Cynthia Heard et al. for
a allotment as Cherokee Freedmen.

Apparatus:
Applicant present in person;
J. S. Davenport, ex counsel for Cherokee Nation.

Bruce Drake, being duly sworn by Commissioner Needles, testi-
fied as follows:

- Q Mr. Davenport, what is your name? A Bruce Drake.
Q Where do you live? A About a mile from Chelsea.
Q What was your maiden name before you were married? A Walker.
Q Where were you raised? A I was raised, well Chahlequah, or
Park Hill.
Q Did you ever live at Fort Gibson? A Yes, sir.
Q You are the daughter of Tim and Betsey Walker? A Yes, sir.
Q Do you know Cynthia Heard? A Yes, sir, I know her.
Q When did you first see her after the war? A It was about
11 years ago.
Q Where were you living at the time? A I was living up here
where I am living now.
Q Where was she when you saw him? A She came to my house.
Q Did you know her mother? A Yes, sir.
Q When, before the war? A Yes, sir, she belonged to my father.
Q Did her mother ever return to your family or Fort Gibson after
the war? A No, sir, not that I know of.
Q Did you see any of the other slaves of your father and mother?
A Yes, sir, all the other slaves were there.
Q What was her mother's name? A Rachel, no family.
Q And Fannie didn't return after the war? A No, sir,
Commissioner. How do you know Fannie didn't return to the Cherokee
Nation? A She didn't come to our house, and I didn't see her in
Fort Gibson.
Q When did you first see Cynthia here after the war? A 11 years
ago.
Q Where? A Here at my house; she came here and washed for me.
Q If she returned to the Cherokee Nation after the time she went
out you don't know? A No, sir.

Bruce A. Drake, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of June, 1902.

Bruce A. Drake
J. S. Davenport

Commissioner

SUPPLEMENTAL: C.F. D-662, Cynthia Hoard et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept. 26, 1901.

In the matter of the application of Cynthia Hoard for the enrollment of herself and others as Cherokee Freedmen;

TESTIMONY ON PART OF THE CHEROKEE NATION.

Appearances:

Col. Dew M. Wisdom, as attorney, and Lewis T. Brown and I. P. Bledsoe, as Agents; for applicant;
James Davenport, for the Cherokee Nation.

Com'r's Witnesses placed under the rule.

MRS. D. N. WALKER, being sworn by commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name, age and place of residence? A My name is Mrs. D. N. Walker.

Q How old are you? A 76 years old.

Q What is your post-office address? A Fort Gibson.

Q Are you a Cherokee by blood? A Yes sir.

Q How long have you lived in the Cherokee Nation? A I have lived in it all my life; come from the Old Cherokee Nation in '37 I think.

Q Where were you living at the breaking out of the Civil War?

A I was living near Tahlequah at Park Hill.

Q You were the wife of Tim Walker? A Yes sir.

Q You were generally called Aunt Betsy Walker? A Yes sir.

Q Now at the breaking out of the war did you and your husband own slaves, one named Charlotte Walker and Fanny Walker? A Yes sir.

Q Did you leave the Cherokee Nation during the war? A Yes sir, we left in '62.

Q You went to Kansas, or what State? A We went to Missouri, we lived in Missouri.

Q Now when did you return to the Cherokee Nation after the war, or during the war, if you returned at all? A We didn't return during the war; it was after, it was in '66 or '67, back in the year '67 if it wasn't '66; I don't exactly recollect.

Q Either in the fall of '66 or '67 then you came back? A Yes sir.

Q To what point in the Cherokee Nation did you come? A Fort Gibson.

Q Where have you lived since you returned? A We lived in Fort Gibson for over a year and then we made a farm out two and a half miles from here and moved out there.

Q You have lived in the neighborhood of Fort Gibson since your return? A Yes sir, never lived anywhere else.

Q Since your return have you known Charlotte, who was a slave of yours at the breaking out of the war? A Yes sir, she was left on our place, when we left home.

Q When you came back where was Charlotte? A Right here at Fort Gibson.

Q After that time did she live near you and work for you? A Yes sir, she worked for us all the time after that, but she moved from Fort Gibson down in the bottom here.

Q Since your return in the latter part of '66 or early part of '67, have you ever seen Fanny? A No sir.

Q Did Fanny come back to Fort Gibson? A No sir, I never did hear of her coming back and I saw them all the time.

Q Did you or did you not live near where Charlotte was living after you returned in '66 or '67, and again that? A Yes sir, I reckon it was a quarter of a mile to where Charlotte lived.

Q Did Charlotte help you wash? A Yes sir.

Q During that time you lived in a quarter of a mile of them did Fanny live with Charlotte? A No sir.

Cynthia Hoard et al. Exh' 1 2

Q Did you ever hear from Fanny at all after the war? A Well they has got letters from her, she was up in Kansas.

MR. BROWN: Wait a minute now, I don't think that's hardly competent; they got letters, I don't know who she speaks of.

Witness: Why, her sister.

BY MR. BROWN: That's purdy hearsay.

BY MR. DAVENPORT: Well if she saw the letters it wouldn't be.

BY MR. DAVENPORT:

Q Did you ever see any of the letters Mrs. Walker? A No sir. And I heard from her in Missouri before I moved down here; one of my neighbor women saw her.

BY COM'R NEEDLES: That went do.

BY MR. DAVENPORT:

Q You know that she was not living with Charlotte here in Fort Gibson in '66 or '67? A No sir, she was not.

BY MR. BLEDSOE:

Q Did you ever see a woman that claimed to be the daughter of Fanny? A Yes sir.

Q You know what name she goes by? A Cynthia Hoard; first time I saw her here was at the Freedmen enrollment four years ago, and then I saw her again this last enrollment.

Q You all owned a slave then by the name of Fanny? A Yes sir.

Q Did Fanny have a child when she left here, or do you recollect anything about that? A Yes sir.

Q What was that child, a boy or a girl? A It was a girl.

Q How old was the child the last time you recollect seeing her? A Last time I saw her she couldn't walk.

Q Did this woman Fanny Hoard resemble the child in any respect, as regards color I mean? A I couldn't tell, - a baby-

Q Was it very dark child or very light child? A It was dark.

Q She did have a little girl child then? A Yes sir.

Q You don't know anything about the name of that child? A Her name was Cynthia.

Q The child's name was Cynthia? A Yes sir.

Q You don't know whether Cynthia or Fanny her mother were in the Cherokee Nation in '66 or not? A No sir.

Q You don't know that of your own knowledge? A No sir.

BY MR. DAVENPORT:

Q Only that you know about it Mrs. Walker is that she was not living with her sister, Charlotte? A No sir, I never have seen her.

BY MR. BLEDSOE:

Q Fanny belonged to you all, she was a slave at the breaking out of the war? A Yes sir.

Q She was never sold? A No sir.

JACK WALKER, being sworn by Commissioner Needles, testified as follows:

BY MR. DAVENPORT:

Q State your name? A Jack Walker.

Q Where do you live, Mr. Walker? A I live at Fort Gibson.

Q How old are you? A I will soon be 54 years old.

Q How long have you lived in the Cherokee Nation? A All my life.

Q What part of the Nation was you living at the breaking out of the war? A I was living up here near Tahlequah.

Q Did you go out during the war? A Yes sir.

Q When did you come back? A I come back in the latter part of '66.

Q When you came back to that point did you come? A Come to Fort Gibson.

Q Where have you been living since you returned in the latter part of '66 with reference to Fort Gibson? A I have been living right here and east of here 7 miles since we returned.

Q Since you returned how long did you live right out here near Fort Gibson? A I lived from '66 up to '78 out here with my father 2 miles from Fort Gibson.

Cynthia Hoard et al sup 13

Q Do you remember a slave that your father and mother owned before the war named Charlotte? A Yes sir.

Q You remember one named Fanny? A Yes sir.

Q You know whether or not either or both of these women went out of the Cherokee Nation during the war? A Fanny went out

Q Charlotte remained here? A Yes sir, she remained here all during the war.

Q When you returned in the fall of '66 to Fort Gibson where was Charlotte, if you know? A She was living right down in town here.

Q Where was Fanny? A I don't know.

Q Did you ever see Fanny after the close of the war in the Cherokee Nation? A No sir.

Q Did you ever hear of her being in the Cherokee Nation after the war? A No sir.

Q After the close of the war did Charlotte live near your father and mother? A Yes sir, not over a quarter of a mile.

Q Did she help your mother to work? A Yes sir.

Q Were you at Charlotte's house or back and forth from her house in '66 from '66 or '79? A Yes sir.

Q Did Fanny, her sister, live with her at that time? A Not that I ~~remember~~ ever heard of.

Q You were back and forth there? A Yes sir.

Q Did you ever see her there? A No sir.

Q Charlotte, had some children did she? A Yes sir.

Q And you have never since the close of the war seen Fanny in the Cherokee Nation, or ~~remember~~ heard of her being in the Cherokee Nation? A No sir, I have heard of her being in Kansas, and Missouri.

BY MR. BLEDSOE:

Q Mr. Walker, you say that your folks owned a woman named Fanny? A Yes sir.

Q Did she have a child? A Yes sir.

Q What was that child, a male or a female? A It was a female.

Q How old was that child when you ~~next~~ last saw it here, about how old? A Well it was I think the child was born in '60 or '61, and we left here in '68.

Q Do you know what that child's name was? A No sir, I have ~~learned~~ since.

Q Of your own knowledge, you don't know? A No.

Q What was the color of that child, Mr. Walker, was it a dark child or mulatto child? A Why it was a sort of dark child I think as well as I remember.

Q Do you know of your own knowledge Mr. Walker whether that woman Fanny has been back in the Cherokee Nation, or this girl Cynthia since the war or not, you don't know anything of your own knowledge of her whereabouts? A Nothing only what I have heard.

Q Of your own knowledge you don't know where she has been since you left them here in '66? A No sir, not of my own knowledge.

BY MR. BROWN:

Q You don't mean to ~~swear~~ positively that Fanny was not at Charlotte's house in Fort Gibson ~~anywhere~~ in '66 do you? A If she ever was I don't know it, I never heard of it; I was at her house and Charlotte worked for my mother all the while right along and I never heard of her being there, I have heard of her through Charlotte during that time, heard of her whereabouts through Charlotte during that time.

BY MR. DAVENPORT:

Q When you heard of her through Charlotte during that time did you hear of her as having lived with Charlotte or living some where else?

BY MR. BROWN: Question objected to.

MR. BLEDSOE: That's hearsay testimony.

BY JON'S NEEDLES: He wouldn't be allowed to state what anybody told him.

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 true and correct transcript of his statement with notes thereat.

SECRETED AND SENT TO THE STATE DEPT. ON THIS DATE: 3-6-1944

A. R. Beckwith

LOCAL SECTION

Commissioner of the Board of Indian Affairs
Synthis Board of at age 18.

BY MR. DAVENPORT:

Q During the time that her sister was working for your mother and back and forth between the family there in '56 and '57, the question was discussed about Fanny was it? Yes sir.
and Fanny wasn't here? A No sir, at different times.

COMMISSIONER WHEELER: This testimony will be filed with the case.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green
Subscribed and sworn to before me this October 3rd, 1901.

A. R. Buckner

Commissioner.

RECEIVED
OCT 10 1901
U. S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

SUPPLEMENTAL: C. F. D-662, Cynthia Hoard.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 27, 1901.

In the matter of the application of Cynthia Hoard for the
enrollment of herself as a Cherokee Freedman.

TESTIMONY ON THE PART OF THE CHEROKEE NATION.

Appearances:

Col. Dew M. Widdom, Ex. J. P. Elected, and Mr. Lewis T.
Brown, for the applicant;
Mr. James Davenport, attorney for the Cherokee Nation.

TOM WALKER, being sworn by the Commission, testified as
follows:

BY MR. DAVENPORT:

- Q State your name? A Tom Walker.
Q Where do you live? A Illinois District.
Q What is your post-office now? A Fort Gibson.
Q How long have you lived in and around Fort Gibson? A I have
been here ever since during the war.
Q What was your mother's name? A Charlotte Walker.
Q Can you remember when the war broke out? A Yes sir.
Q You were a small boy then? A Yes sir, I was about 7 years old
then.
Q Well you remember when it closed? A Yes sir.
Q Do you remember an aunt of yours that they called Fanny? A
Yes sir.
Q Do you remember seeing her before the war broke out? A Yes sir,
she lived on the same place I lived before the war.
Q After the war closed did you ever see your aunt Fanny? A No sir.
Q Did your aunt Fanny ever come back to Fort Gibson and live with
your mother and you in the house down here near where aunt Betsey
Walker lived? A No sir.
Q You were old enough to remember at the close of the war and
remember who did live there then with you and your mother and
you? A Yes sir.
Q You know whether she ever came back to Fort Gibson or all or
not there? A What?
Q Your aunt Fanny? A No sir, I haven't seen her since she left
that was during the war, in '63 or '64; I never saw her since then.
Q Your mother is dead now is she Tom? A Yes sir.

BY COL. WIDDOM:

- Q Do you know Cynthia Hoard, this woman here that's an applicant?
A Who is that?
Q Well she claims to be a daughter of Fanny? A Oh, no sir, I don't
know her, I remember of aunt Fanny having a daughter, she was just
a little girl about 2 years old.
Q What was her name? A Her name was Cynthia.
Q You don't know when Cynthia came back? A Oh no sir.
Q You don't know anything about that? A No sir.
Q Your testimony is with reference to her mother, Fanny, you have
never seen her since the war? A No sir, well I have seen Cynthia
too, here at the payment.

BY MR. DAVENPORT:

- Q When was the first time after the war you saw Cynthia? A Time
of the payment.
Q When Col. Widdom was making the payment or Dixon was making
the payment? A That was in '71.
Q That is the first time you ever saw Cynthia after the war or is
there that claimed to be Cynthia? A Yes sir.

BY COL. WIDDOM:

- Q You don't know that her mother's name was Charlotte?

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...of his stenographic notes to read.

Subscribed and sworn to before me this October 6th, 1901.



Commissioner

Cynthia Hoard et al

Q Now, of course you don't know? A No, that's the first time I remember seeing her.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes as read.

Subscribed and sworn to before me this October 28th, 1901.



Commissioner

(6)

17

Cherokee Freedmen D 662.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

RNO

In the matter of the application for the enrollment of
Cynthia Hoard et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on June 10, 1901, Cynthia Hoard appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of herself and her minor children Robert, Zella, Armit, Clifton, Edmund and Tecumseh Hoard as Cherokee freedmen. Further proceedings in the matter of said application were had at Chelsea, Indian Territory, on June 11, 1901, and at Fort Gibson, Indian Territory, on September 26 and 27, 1901.

The evidence shows that Cynthia Hoard was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken to the State of Kansas, and that she did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

The evidence further shows that the remaining applicants herein were born since 1866, and that they claim their right to enrollment as Cherokee freedmen through their said mother Cynthia Hoard. It further appears that the name of none of the applicants herein is found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Cynthia Hoard, Robert Hoard, Zella Hoard, Armit Hoard, Clifton Hoard, Edmund Hoard and Tecumseh Hoard as Cherokee freedmen should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Dixby.

Chairman.

(SIGNED).

I. B. Nesdies.

Commissioner.

(SIGNED).

O. R. Brookinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Dated at Muskogee, I.T.

this MAR 11 1904.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Cynthia Hoard, et al.

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cynthia Hoard and her children, Robert, Zella, Armit, Clinton, Edmond, Tecumseh, Russel and Justine Hoard as Cherokee Freedmen.

MOTION FOR REHEARING.

Comes now the applicant, Cynthia Hoard, and moves that the Honorable Secretary of the Interior grant her a new trial in this case and give her an opportunity to prove that she returned to the Cherokee Nation and established her residence therein prior to February 11, 1867.

She attached as a basis for this Motion affidavits of two of her witnesses and she has a great number of other witnesses by whom she can prove the same statement of facts, but owing to the fact that the time allowed by the Curtis Bill for filing Motions for re-opening cases of this kind expires on this date, she does not have the time to get a Notary Public to go to the Homes of these people and take their affidavits and asks leave to file additional affidavits within the next thirty days.

Starr & Patten

ATTORNEYS FOR APPLICANTS.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY) SS,
WESTERN DISTRICT)

J. C. STARR, of lawful age, being first duly sworn, on his oath states that he is one of the Attorneys for the applicants in the above entitled case and that this Motion is made in good faith, not for the purposes of delay but in order that justice may be done.

J. C. Starr

Subscribed and sworn to before me this 25th day of June, A.D., 1906.

My commission expires Dec. 15, 1909.

Jessie Patten
NOTARY PUBLIC.

AFFIDAVIT

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss.

This day personally appeared before me, the undersigned, a Notary Public within and for the Northern District of the Indian Territory, HEN GRIMMETT, who being first duly sworn, on oath deposes and says:- "My name is HEN GRIMMETT My age is 80 years and my Post Office is Hearts Indian Territory. I was acquainted with Cynthia Hearts at the close of the Civil War and I know that she first came to the Cherokee Nation, Indian Territory in the fall of the year of 1866 and established her residence therein before February 11, 1867."

Witness my hand:
H. H. Heard
G. I. Weaver

his
HEN GRIMMETT X
Notary

Subscribed and sworn to before me this 29 day of June, A.D., 1906.

G. I. WEAVER

(SEAL)

Notary Public.

My commission expires 2/20/07.

ALLADAY II.

UNITED STATES OF AMERICA, } ss.
 INDIAN TERRITORY }
 NORTHERN DISTRICT }

This day personally appeared before me, the undersigned, a Notary Public within and for the Northern District of the Indian Territory, Sam Webster, who being first duly sworn, on oath deposes and says: - "My name is Sam Webster My age is 14 years and my Post Office is Nawata Indian Territory. I was acquainted with Cynthia ~~Webb~~ at the close of the Civil War and I know that she ~~last~~ came to the Cherokee Nation, Indian Territory in the fall of the year of 1866 and established her residence therein before February 11, 1867."

Sam Webster

Subscribed and sworn to before me this 21 day of June, A.D., 1906.

copy

J. Wood Glass

Notary Public.

My commission expires Feb 18, 1917

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of CYNTHIA HOARD, ET AL., as freedmen citizens of the Cherokee Nation.

Reply of the Cherokee Nation.

Comes now the representative of the Cherokee Nation and moves the Department to dismiss the motion for a rehearing filed herein, because the same has not been sworn to by A notary Public within and for the Northern District of the Indian Territory, and attached hereto is the testimony taken in the case of Mary Sanders, F. R. 38, which shows that J. C. Starr attempted to swear to this motion for a rehearing in Vinita, Northern District, Indian Territory, before Jessie Patten, a Notary Public within and for the Western District of the Indian Territory, and not a Notary Public within and for the Northern District, Indian Territory.

Not waiving the above motion, but relying and insisting upon the same, it is respectfully suggested that the motion for a rehearing should be denied upon other grounds. The record in this case shows that the principal applicant appeared before the Commission at Chelsea, Indian Territory, on June 10, 1901, and made application to be enrolled as a freedman citizen of the Cherokee Nation. She was born about the beginning of the war, her mother's name was Fannie, who belonged to Tim Walker and his wife, and claims that her mother returned to Fort Gibson within the time prescribed by the treaty. She introduced Luster Foreman in her behalf, who wandered in and around quite considerable and would not be positive as to where he saw Fannie Walker, the mother of Cynthia, but ^{thought} that he was introduced by Charlotte, a woman by that name, immediately after the War, at Fort Gibson. The next witness was Mose Riley, and he swears that he never knew Fannie Walker, the mother of Cynthia. Now it will be remembered from the testimony that it is claimed on behalf of applicant that she and her mother returned to Fort Gibson immediately

after the war and lived with Fannie's sister, Charlotte, who also belonged to Tim Walker and his wife. The Cherokee Nation introduced R. M. Walker, the young master, Mrs. Tim Walker, her former owner, Emma Drake, her young mistress, and Jack Walker, her young master, also Tom Walker, a slave of the family. They lived at Fort Gibson in 1866 and 1867 and continuously within two miles of the town ever since, except Emma Drake, who now lives at Chelsea, and every single one of them swears positively that Fannie and Cynthia did not come back there. It will be remembered that Fort Gibson was a town of five or six hundred people, it having less than a thousand now, and they all testified that they saw Charlotte, but their old slave Fannie was not there. Relying on our own experience to such a case, we know that no old slave that has lived in such a small town any more than a member of our family could live in a small town without our knowing it. R. M. Walker when asked the question:

"Q. Have you seen Fannie Walker since the War? A No sir.

"Q. I wish you would state if you and your father tried to locate and find Fannie Walker in the Cherokee Nation after the war closed? A Yes, sir, after we got back after the war and found all of our other darkies we left with the exception of a old darkey by the name of Coose and a boy that had died that was taken south, and we have never seen Fannie. She has never returned to the Cherokee Nation.

"Q. When did you return, Mr. Walker? A In February of 1866.

"Q. You and your father moved and located there at Fort Gibson? A Yes sir, we lived the first year in town and in the spring of 1867 we moved in about two miles of town and have been living there ever since."

Later on he says that Fannie had a sister by the name of Charlotte; that Charlotte was living there, and the testimony also shows that Charlotte did washing for the family. The other members of the Walker family corroborate R. M. Walker. Upon the other hand, lets review again the testimony introduced in her behalf. Luster Foreman is a very unsatisfactory witness, as above observed. Moses Wiley, the next witness, did not see her mother, nor did he get acquainted with Cynthia for a number of years after the war. The last witness, Moses Hardwick, claims to have seen her in Fort Gibson in 1866, but he in answer to this question, "How did you happen to see her then?" said "I went down there to see my sister, I hadn't seen her after the war, and I come down and laid my corn by and went to see her, and she was there playing with the baby, and I stayed three or four days, and I come on back and left her there."

Now, by reference to the case of Moss Hardwick recently remanded upon a motion for a rehearing, being F. D. 314, he introduced a great number of witnesses attempting to show that he came in the fall of 1866, about Christmas, and some put him a little later in the fall--in the early winter of 1867. Moss in his testimony here says that he had laid his crop by and if that be true, he had been here one summer before he saw Fannie, and under no circumstances could he have seen Fannie until the fall of 1867, and certainly could not have seen her at Fort Gibson, because her former owners lived in the town as shown in the testimony hereinabove.

Upon this testimony the commission unanimously rejected the applicants on the 11th day of March, 1904, and this decision was affirmed by the secretary on January 14, 1905. It is sought now to reopen this case and while there is no reason whatever given in the motion to reopen, the attorneys for applicants generously promise that they will hunt around over the country within the next thirty days and see if they can get some people to sign some affidavits to send in. Now it will be seen from the record that these people applied more than five years ago to the Commission to the Five Civilized Tribes to be enrolled. No reason is shown in the motion to the Department why witnesses could not have been gotten. The postoffice of Cynthia Hoard is Chelms, which is not far distant, only a few miles, from where Ben Grinnett and Sam Webber live, whose affidavits are attached to the motion, at least in the same vicinity. But let's examine the affidavits of Ben Grinnett and Sam Webber attached. What information do they give the attorney for the Cherokee Nation? He only states that he saw this woman in the fall of the year of 1866. He does not state where; he does not state at whose house; he does not state in what part of the Cherokee Nation; in other words, it gives the Cherokee Nation no information whatever. But the record in a number of citizenship cases will disclose that this same Ben Grinnett has testified in a great many cases and upon cross-examination it is shown in practically all of them that he admits that he had been whipped for larceny after being convicted by the Cherokee authorities. Certainly it would seem that that

was entirely sufficient to discredit him, but the records show that he had testified in a great number of cases, and all of them were denied by the Commission and they are either pending approval by the Department or have already been approved and among those which have been approved and in which this Ben Grinnett testified positively that the applicant returned within the time prescribed by the treaty and established a residence were F. D. 493, Mariah Johnson, et al., F. D. 764, Mary Hudson, F. D. 791, F. D. 802 Mariah Reynolds, F. D. 1014, Judy Chambers, F. R. 137 Nellie Love, et al. Certainly in the face of the record submitted in this case the department would not submit the Cherokee Nation to the expense of reopening this case upon the testimony of a man confessedly convicted of larceny and with every case in which he had previously testified being denied by the commission and most of them affirmed by the Department.

The next affidavit attached to the motion is signed by Sam Webber, and I would like for the department to compare this affidavit with that of Ben Grinnett. We are certainly justified in saying it is stereotyped; examine it, and the two are identical; they are verbatim, except the change of name of witness and age; the blanks were evidently made out elsewhere and sent to these parties to sign and acknowledge. Will the Department stand for this kind of practice? But lets examine the record of Sam Webber and it will be seen that he has testified in perhaps more cases before the Commission than any other standing witness, and our records show that in the cases he has testified the following have been denied by the commission and affirmed by the department, and a number of others have been denied by the Commission and are pending approval by the Department, and the testimony in each of them will show that Webber testified that the applicant or the person through whom the applicant claimed returned and established a residence in the Cherokee Nation in 1866. In hurriedly glancing over the cases at hand we find the following which were denied by the commission and denied by the Department: F. D. 435, 437, 466, 555, 562, 607, 609, 620, 625, 627, 443, 602, 799, 802, 824, 852, 853, 871, 872, 892, 955, 959, 1015, 425, 1028, 1093, 1099; in all 28 cases wherein he testified for applicants upon the principal points involved; all denied by the commission to the five civilized tribes and

the Department, and in addition a number of other cases denied by the Commission to the Five Civilized Tribes and pending approval of the Department. Certainly the Department would not be justified in reopening and remanding the case upon the stereotyped affidavit signed by a witness so thoroughly discredited. We submit therefore that this motion in the first place should be dismissed for the reasons hereinabove set forth, in the second place we submit that it should be denied:

First, because no diligence whatever has been shown.

Second, the testimony desired to be introduced would be cumulative.

Third, there is no merit in the motion or in the case.

In Cherokee Allotment contest case of Bullette versus Welch, no. 712, the Commissioner to the Five Civilized Tribes held:

"The rule is general that a new trial or a rehearing will not be granted on a mere showing that new evidence has been discovered. Newly discovered evidence, in order to be sufficient, must possess the following requisites:

- (a) It must be such as will probably change the result if a new trial is granted.
- (b) It must be discovered since the trial.
- (c) It must be such as could not have been discovered before the trial by the exercise of due diligence.
- (d) It must be material to the issues.
- (e) It must not be merely cumulative to the former evidence.
- (f) It must not be merely impeaching or contradicting the former evidence."

In this case is cited the case of Moore versus Jarney, Creek no. 49, wherein the Commissioner held:

"A motion for a rehearing based on newly discovered evidence it should be shown that such evidence could not be discovered by due diligence, and the facts showing such diligence should appear." Citing the following cases: 6 L. D. 9; 7 L. D. 136; 10 L. D. 483; 18 L. D. 31; 19 L. D. 543.

This decision is in line with all of the decisions of the Supreme Court of the State of Arkansas, as to what should be embodied in a motion for a new trial, the leading case being that of Burris versus Wise, 2 Ark. 33, wherein the court held:

"The only remaining point to be determined is did the Circuit Court err in refusing a new trial on the ground of newly discovered evidence on the trial. The doctrine upon this subject is well settled both upon reason and authority and we will now fully state it. In order to entitle a party to a new trial on the ground of newly discovered evidence since the former trial the affidavit in the case must show prove:

1. The names of the witnesses whose testimony had been discovered and the facts expected to be established by them.
2. That the facts and circumstances as proved must show that the applicant has used due diligence in preparing his case for trial.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cynthia Heart
et al., as Cherokee Freedmen.

XXXXX.

Comes now the applicants and move that the attached affidavit
be forwarded to the Department with the original Motion for rehearing
in this case and that same be considered as filed in support of said
Motion.

Respectfully,

Starr & Patten

ATTORNEYS FOR APPLICANTS.

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY } SS.
NORTHERN DISTRICT }

This day personally appeared before me, the undersigned, a Notary Public within and for the Northern District of the Indian Territory, GEORGE WEST VANN, of lawful age, who being first duly sworn, on oath deposes and says:-

"My name is George West Vann. My age is 52 years and my Post Office is Hayden, Indian Territory. I was acquainted with Cynthia Hoard at the close of the Civil War and I know that she came to the Cherokee Nation, Indian Territory in the fall of the year of 1866 and established her residence therein before February 11, 1867."

GEORGE WEST VANN.

Subscribed and sworn to before me this 6 day of July, A. D. 1906.

Wm. Madden, Jr.

NOTARY PUBLIC.

(SEAL)

My commission expires March 4, 1909.

3. That the facts and circumstances newly discovered have come to his knowledge since the determination of the trial and they must be such as if adduced on the trial were competent to prove the issue and would probably have changed the verdict, and,
4. That the evidence discovered is not cumulative of that previously relied on and that it will tend to prove material facts which were not put directly in issue on the former trial."

Supporting this decision we cite 2 Ark. 45, 2 Ark. 346, and in this case the court held:

"The doctrine in regard to granting new trials upon the ground of newly discovered testimony is fully explained and established in the case of Robbins versus Yuller, 2 Ark. 133. Indeed the authorities are so numerous and full upon the point, and the reasons and principles upon which they rest are so obvious and conclusive that it seems almost impossible to overlook the essential requisites that the law requires to entitle a party to a new trial. He must have been guilty of no neglect or laches in preparing his case for trial. It must have been out of his power to procure the newly discovered evidence upon the former trial by due diligence and exertion to obtain it; and he must show to the Court that the newly discovered evidence is material and important by the affidavit of the witness or some other legal means, so that the Court may judge of its materiality and sufficiency; and it must not be cumulative in its character and consequences. It is the duty of the parties to come prepared upon the principle points and new trials would be endless if every additional circumstance appearing upon the facts in litigation were the cause for a new trial."

This decision is supported by numerous other decisions, including 5 Ark. 256; 5 Ark. 405; 10 Ark. 556; 11 Ark. 671; 13 Ark. 360; 17 Ark. 403; 25 Ark. 89; 25 Ark. 334; 25 Ark. 380; 28 Ark. 121; 30 Ark. 724; 38 Ark. 314; 52 Ark. 120; 55 Ark. 312; 60 Ark. 481; 84 Southwestern 738.

For the reasons hereinabove assigned we submit that the motion is without merit and should be denied.

Respectfully submitted,

7-26-06x

W. W. Hastings
Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Cynthia Heard,
et al., as Cherokee Freedmen.

XXXX

In view of the fact that the Attorneys for the Cherokee Nation took occasion to raise technical objections to our original Motion for a rehearing in the above entitled case on the question of one of the Attorneys for applicants signing as a witness to the mark where the party making the affidavit signs by mark and because the affidavit in support of said Motion was acknowledged in the Northern District of the Indian Territory before Miss Jennie Patton, a Notary Public for the Western District of the Indian Territory, we have subsequently filed an Amended Motion for rehearing in this case and have caused our affidavits to be re-written and sworn to by the Principal applicant.

While we had no objections to meeting the technical objections of the Attorney for the Cherokee Nation touching the validity of affidavits made before a Notary Public of the Western District of the Indian Territory and acting in the Northern District of the Indian Territory, yet, in order that we be not understood as conceding that said affidavits were void because the Notary Public who took them was without the District of her appointment, we respectfully submit that our contention is and always has been that the original affidavit in support of said Motion &c a new trial which was sworn to before Jennie Patton in Vinita, Northern District, Indian Territory while being a Notary Public for the Western District, were, under the laws in force in the Indian Territory, valid. In support of our contention we respectfully submit that, even under the laws in force in the Indian Territory, the power and authority of a Notary Public to administer oaths is co-extensive with the State, that is, with the Indian Territory. In this case there is no question, nor is it controverted that Miss Jennie

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Patten was a duly appointed Notary Public, having been appointed by the United States Court in the Western District of the Indian Territory and that she was at that time and always has been a resident of the Western District of the Indian Territory, the District of her appointment, since said appointment; that the affidavits in question in this case were taken by her without the Western District we admit. These points being conceded, the only question before us is as to whether or no said affidavits were void. The Office of Notaries Public is of great antiquity, deriving its origin from the early Roman Jurisprudence, and has for many centuries been recognized by most, if not all, of the Christian Nations. This Office is known to International Law, to the Common Law, being concerned more especially with the Law-Merchant branch, and to the Civil Law. A Notary Public is generally defined as "an officer whose functions it is to attest and certify, by his hand and official seal, various instruments in order to give them authenticity in other jurisdictions, and is usually an officer appointed by the executive or other appointing power under the laws of the State", Newy. Law Dictionary, Title: "Notary", page 514. In England this Office existed before the Conquest (1066) and under the Common Law was always recognized as a public office, and being such every presumption is indulged in by the Common Law in the absence of Statutes, of a broad jurisdiction. In most of the States Notaries Public are appointed by the Governor alone; in others by the Governor, by and with the advice of his Council; in others by and with the advice and consent of the Senate. In most all of the States of the United States the office of Notaries Public is recognized as a public office. See *Bethune v. Warwick*, 188 Fed. Rep. 45; *Writton v. Nicolls*, 104 U. S. 797. In Alabama this office is recognized as a public office. See *Governor v. Jordan*, 15 Ala., page 78; See *Smith v. Reader*, 74 Ga. 414; *Toussaint Loan v. Co. v. Turrell*, 19 Ind. Appeal, Ind. App. 400; *Spegal v. Krag-Myndels Co.*, 21 Ind. Appeal, 308. This Office is also recognized as a public office in Iowa, Louisiana, Massachusetts, Missouri, Nebraska, New York, Nevada, Pennsylvania, Tennessee, Texas and many other States. See American and English Encyclopedia of Law,

Second Edition, Vol. XI, page 586.

In the United States reference must be had to the Constitution and Statutory Provisions of the various States to determine by whom and in what manner the appointment of a Notary Public is made. By reference to Section 4764 of Mansfield's Digest of the Laws of Arkansas, Chapter 52, we find the following Provisions: "The Governor may appoint a convenient number of Notaries Public for each County, who shall be citizens of the County for which they are appointed and who shall file in the office of the Recorder of Deeds for the County a Bond to the State, for the faithful discharge of their duties, in the sum of \$1000.00 with security to be approved by the Clerk of the Circuit Court of the County, and who shall hold office for the term of four years". Section 4765 of Mans. Dig. of this same chapter provides that "Each Notary Public shall have power to administer oaths in all matters incident and belonging to the exercise of his Notarial Office". His power is further extended by Section 4766 of this same chapter wherein he is empowered in the language of the Statute "to take the proof or acknowledgment of all instruments of writing relating to commerce and navigation, receive and authenticate acknowledgments of deeds, letters of attorney, and other instruments of writing, make declarations and protests, and certify under his official seal the truth of all matters and things done by virtue of his office".

Other than the foregoing there is nothing in the statutes of Arkansas which tends to broaden or limit the powers of Notaries Public nor is there any provision in said Statutes which limits their authority to administer oaths to the county of their appointment. It will be noticed by reference to the above noted sections of the Statutes that the power of appointment of Notaries Public rests with the Governor of the State. Under the Act of Congress, entitled "An Act to provide a temporary Government for the Territory of Oklahoma and to enlarge the jurisdiction of the United States Courts in the Indian Territory, and for other purposes", approved May 2, 1906 (U. S. Stat. at Large, Vol. 34, Chap. 182, page 21), Section 21 of said Act provides that certain general laws of the State of Arkansas in force

at the close of the ~~gax~~ General Assembly of that State in 1883 as published in 1884 in Mansfield's Digest of the Statutes of Arkansas shall be put in force in the Indian Territory. Among these Sections enumerated in the Chapter relating to Notaries Public and it is further provided in said Act that "Said Court in the Indian Territory shall appoint Notaries Public under this chapter". By reference to the Act of March 1, 1889, entitled "An Act establishing a United States Court in the Indian Territory", U. S. Stat. at Large, Vol. 25, Chapter 333, page 763. And by reference to all of the Acts of Congress relative to the United States Court in the Indian Territory, it will be seen that in contemplation of law there is none but one United States Court in the Indian Territory, and that the Acts passed subsequent to the Act of 1889 which established the original Court in the Indian Territory have only operated to enlarge the jurisdiction of that Court and to provide for additional Judges. By reference to the aforesaid Act of 1890 it will be seen that the United States Court in the Indian Territory exercises the same power in the appointments of Notaries Public as does the Governor of Arkansas.

The question then before us is as to whether or not a Notary Public appointed by the Governor of Arkansas or by the United States Court in the Indian Territory has authority to administer oaths only within the County or District for which he is appointed or whether his jurisdiction is co-extensive with the State. We have been unable to find any Decisions of the Supreme Court of Arkansas touching upon the questions in issue directly and are left largely to the comparison of similar Statutes in other States and the construction of their Courts upon them. In our statutes defining the power of Notaries Public to administer oaths and take depositions it will be seen that there is no limitation placed upon them confining them to act within their County, but simply the broad Provision, to-wit:- "Each Notary Public shall have power to administer oaths in all matters incident to or belonging to the exercise of his notarial office".

In a great number of States under a similar Provision and in many identically the same, it is held that the jurisdiction of a Notary Public to administer oaths is co-extensive with the State.

See: *Guertin v. Moublean*, 144 Ill. 32; *Sullivan v. Hall*, 86 Mich. 7; *Davey v. Ruffall*, 162, Pa., Br. 443, affirming 14 pa. Co. Ct. 273; *Maxwell v. Hartman*, 50 Wis. 600. See also Gen. Stat. Conn. (1888), §288; *Horners Annot. Stat. Ind.* (1896), § 5962; *Pub. Gen. Laws Md.* (1888), art. 68, §3; *Stat. Minn.* (1894) §2271; *Rev. Codes N. Dak.* (1895) §462; *Hills Annot. Laws Oregon* (1892), §2217; *Civ. Stat. S. Car.* (1893) §578; *Stat. Vt.* (1894), § 2963; *Ball. Annot. Codes & Stat. Wash.* (1897) §§246-248.

An examination of the reports of the States which held that a Notary's jurisdiction to administer oaths is confined to the County of their appointment will show that either one of two conditions existed, that is, that the Statutes of that State expressly limited their jurisdiction to the County of their appointment or that such States are those which were originally a part of the Louisiana Purchase and in which the Common Law of England is not presumed to exist in the absence of the Statutory Provisions expressly accepting it. In the case of *Baryhet v. Alexander*, 59 Mo. Appeal, 188 and also in the case of *Silver v. Kansas City Railroad Co.*, 21 Mo. Appeal 5, in a somewhat similar statute defining the authority of a Notary Public to administer oaths, it was held that their jurisdiction was confined to the County of their appointment, but this was so held for the reason that Missouri was originally a part of the Louisiana Purchase and that the Common Law presumption that the Notary's jurisdiction is co-extensive with the state, in the absence of the statute limiting it to the County was not to be indulged in in that State. This same Decision was taken in Iowa for the same reason. In Illinois, under a statute similar to the one in force in Arkansas and which has been adopted in the Indian Territory, it is held that a Notary Public's jurisdiction to administer oaths is co-extensive with the State and that although a Notary Public must be appointed and have his residence in a particular County, yet he is competent to administer oaths and take affidavits and depositions any where in the State. It will be remembered that the State of Illinois was originally a part of the Louisiana Purchase as was also the State of Arkansas, but in Illinois by express

Statutory Provisions the Common Law of England is to be in force on all questions in the absence of Statutes to the contrary. In this connection we would call attention to Chapter 20 of Mansfield's Digest Sections 566 and 567 in which it is provided "that the Common Law of England so far as the same is applicable and of a general nature, and all Statutes of the British Parliament in aid of or to supply the defects of the Common Law made prior to the Fourth Year of James the First (that are applicable to our own form of Government) of a general nature and not local to that Kingdom, and not inconsistent with the Constitution and the Laws of the United States or the Constitution and laws of this state shall be the rule of Decision in this State unless altered or repealed by the General Assembly of this State". This Section of the Laws of Arkansas was put in force in the Indian Territory by the Act of May 2, 1890 above mentioned referred to.

So far then as the power and authority of a Notary Public of administering oaths and taking depositions in the Indian Territory is defined by law there seems to be no question but that the status of it succinctly stated is this:- 'they have been given power to administer oaths in all matters incident to or belonging to the exercise of their notarial office without any restrictions being placed upon them confining their acts in this regard to the county of their appointment; that they derive their authority and jurisdiction from the Governor of the State, and in the Indian Territory from the United States Court, unrestricted as to jurisdiction; that the Common Law construction of the statute so broad in language is to be adopted in construing the Notary's jurisdiction in this State because although Arkansas, being originally a part of the Louisiana Purchase, has put in force in her State the Common Law of England in the absence of statutes upon a subject, as above cited, and this same section of Mansfield's Digest, Section 566, was adopted and put in force in the Indian Territory by the Act of May 2, 1890 (U. S. Stat. at Large, Vol. 26, page 181 of Chapter 182). It seems well settled by the weight of authority that in the other states whose decisions have been cited in which the Common Law construction of a Notary Public's jurisdiction

is in force and whose statutes relative to the Notary's power to administer oaths are similar to those of Arkansas, that in every instance their jurisdiction is construed to be co-extensive with the State.

It is true that under the statutes in force in Arkansas, as it is in every State in the Union we might safely say, that a Notary Public must be a resident of the County of his appointment; that such residence is one of the necessary qualifications, but we also think that while he must be a resident of the County of his appointment, yet such requirement does not limit his jurisdiction to administer oaths in other Counties unless such jurisdiction is expressly limited to the County of his appointment by Statutory Provision. In Illinois it has been held that an affidavit taken by a Notary Public to be used in his own County need not even bear the official seal. See *Schoefer v. Kiessel*, 123 Ill., 430; *Hyer v. Flint*, 21 Ill., 30; *Stout v. Klatery*, 12 Ill., 163; but the same Court in construing the last named case went still farther and said that if an affidavit was to be used outside that County, his Official character must be shown either by his seal or in some other way. It was held in the case of *Sullivan v. Hall*, 86 Mich., 7, and in the same case of *Perkins v. Collins*, 3 N.J. Eq., 482, wherein the venue was State of N. J., 28., that where the official officer's authority to administer oaths is co-extensive with the state, it is not necessary for the affidavit to show at what place in the state it was taken.

In the broad language in force in this jurisdiction which creates the office of Notaries Public it seems to be plain that since he is appointed and receives his authority from the Governor of the State, or in the Indian Territory, from the United States Court, that under the accepted definitions, a Notary Public in the Indian Territory is a State Officer. In a popular sense a State Officer may be defined as one whose jurisdiction is co-extensive with the State: See *State v. Hasker*, 39 Fla. 477; *State v. Dillon*, 90 Mo., 229; *State v. Higgins*, 144 Mo., 419 in a more enlarged sense a State Officer is one who receives his authority under the laws of the State and performs some of the governmental functions of the State; see *State v.*

Bus, 135 Mo. 325; see also Garner v. St. Louis, 37 Mo., 554; People v. Court, Gen. Sess., 13 Hun., N. Y., 395; that a Notary Public is a State Officer see Kirksey v. Bates, 7 Port. (Ala.), 529; Matter of Notaries Public, see 8 Hawaii, 561.

Perhaps the clearest opinion in line with the question in issue in this Brief is the case of Michael Sullivan v. Edmund Hall, 13 LRA., 556. In this case was discussed by the Court, practically the same question under consideration. Under the laws in force in Michigan the appointment, qualifications, and the jurisdiction of a Notary Public was almost identically the same as those in force as above set forth in the State of Arkansas and which have been adopted by the Act of 1890 and put in force in the Indian Territory. Section 632, How. Stat. of Mich. provides that the certificate of the Notary Public from under his hand and seal shall be presumptive evidence of the facts contained in it, as right to that office comes from an appointment by the Governor of the State, and his compliance with the requirements of the Statutes in filing oath, bond, etc., (Act. No. 117, Public Acts, 1887). In this case an objection was raised to the validity of an affidavit because the Notary did not state in the Jurat the County in which he acts as such officer. The Court in passing upon this question says:- "A Notary Public is in no sense a County Officer. The Governor, by and with the advice and consent of the Senate may appoint one or more persons as Notary Public in each County, who shall hold their office, etc." Act. No. 117, Public Acts, 1887. While it is very proper that a Notary Public should sign himself as a Notary Public in and for the County from which he is appointed, yet his certificate would not be defective if the designation of the County is omitted. He may act in any part of the State and his official acts are not confined to the County where he resides. It is further shown that in the amendatory Act of 1889 (Act. 74, Public Acts, 1889) no person is eligible to the office of Notary Public unless the person is a resident of the County of which he or she desires to be appointed, but their official acts are not necessarily confined to that County. The Office would undoubtedly become vacant by the removal from that County but it

does not follow that for this reason that the party is a County Officer. The appointment has always been regarded as a State matter rather than that of County. It is a State appointment and the omission of the venue would not be a fatal defect in the jurat. It cannot matter to the public to be affected by such certificate, from what particular County the Notary Public was appointed. In legal phraseology "VENUE" means the County where a case is to be tried and, originally, a venue was employed to indicate the County from which the jury was to come.

The necessity of stating a venue at all is reluctantly fixed by the authorities. See *Bean v. Ayers*, 67 Me. 457; *Bridges v. Nantucket Bank*, 8 Mass. 95.

In view of the status of the law in this jurisdiction which has given to Notaries Public, the power of swearing witnesses and taking depositions by a provision, general in its terms confining their acts to no particular County or District for which they are appointed; and in view of the fact that there is no statute which confines their acts in this regard to the County of their appointment, as there is almost invariable in the States which held that they can exercise this power only in the County for which they are appointed; and in view of the almost unanimous weight of authority, that a Notary Public is a State and a Public Officer, and at Common Law every presumption is indulged in in favor of the jurisdiction of a Public Officer with the Common Law in force in this jurisdiction as it is, giving to a Notary Public a jurisdiction co-extensive with the State unless limited by law to the County of his appointment, and in view of the decisions of the States heretofore cited in which the same provisions regarding the jurisdiction of Notaries Public are in force as in this jurisdiction, which with the aid of the Common Law presumption of a broad jurisdiction have invariably held that the jurisdiction of a Notary Public to swear witnesses is co-extensive with the State, we believe that we are correct in our contention that, while a Notary Public must be a resident of the County for which he is appointed, that nevertheless so long as he is a lawful officer of that County, this does not limit his jurisdiction to swear witnesses and take depositions in any County or District of the State of which he is an officer.

On the other hand, suppose that we were to admit for the sake of argument, that in this jurisdiction the power of a Notary Public to swear witnesses is confined to the District of their appointment, we respectfully submit that even though that were the law, nevertheless so long as the Notary Public was a bona fide officer of the District of his appointment and in possession of his muniments of office, his action of swearing a witness in another District would be the act of a De facto Officer, and valid as regards all persons and the Public, and the State would be the only party who could call them into question. In the case of Stokes v. Acklen, in the Chancery Court of Appeals of Tennessee, 46 S.W. Rep. 316, it was held that under the laws of the State that a female could not be a Notary Public, yet in this case in which a female had gotten into office and acknowledged a deed as a Notary Public it was held that she was a De facto Officer and that her

acts were valid against all persons and the Public. The Court in its opinion said, "A Notary Public was an officer known to the Common Law, and, in the absence of legislation prescribing his duties and the manner of their performance, the Common Law could be looked to for the purpose of ascertaining them. Kirksey v. Bates 7 Port. (Ala.) 329, See, also Smith v. Meador, 74 Ga. 416. The office of Notary Public being a public office in its nature, and pertaining to Government, and the same sole in this case having been duly elected thereto by competent authority under the law, and commissioned to discharge its duties, and being openly in possession, with the accessories of the office, and in the performance of its functions, were her acts done in office void, because she was ineligible, under the law to hold the office. We hold that they were not. She was an officer de facto. The eligibility of the incumbent of an office, established by law, openly in possession of it color official, and discharging its functions, does not render her acts void as to the third persons and the public dealing with the office and accepting her acts as the acts of a rightful incumbent of the office. We need not attempt to give a comprehensive definition of what it takes to constitute an officer de facto, in the sense of the law. The books and cases are full of definitions. It is settled by a current of authority almost unbroken for over 500 years in England and this country, that ineligibility to hold an office does not prevent the ineligible incumbent, if in possession under color of right and authority, from being an officer de facto with respect to his official acts, in so far as third persons are concerned. See the leading case of State v. Carrell, 38 Conn., 449,; Smith v. Bondurant 58 Am. Rep. 438; 5 Am. and Eng. Enc. of law, pp. 96-109 and numerous cases there cited; Shalby v. Alcorn, 72 Am. St. Rep. 828, note, and cases cited; and by reference to this case will be found a great number of cases there cited on this same point.

In the case of Blackburn v. State, 3 Head. Tenn. 690, as was said in the case of Mayor of Nashville v. Thompson 12 Lea. Tenn. 344, that a person inducted into office according to the forms of law is an officer de facto, although incompetent by the provisions of the Consti-

tution to hold the office, and his incompetency cannot be inquired into by the parties affected by his acts. "The ineligibility of the female Notary Public taking the acknowledgments in this case, caused by the absence of legislation conferring the power upon women to hold the office did not divest her act of the force and incidents attaching to the act of a de facto officer, the office being one in existence by virtue of law, and she having been given the apparent sanction of competent authority to discharge its duty."

Upon this we respectfully submit, that even though a Notary had no authority to act without the limits of his district, yet in this case, the Notary Public, being a duly commissioned officer under the laws in force in the Indian Territory, in the possession of the office, that at least her acts were those of a de facto officer, and the affidavits, being made by the affiants before her a Notary Public the same were valid as regards the persons who made them.

However, we believe that our first contention, that a Notary Public, under the laws of the Indian Territory as adapted from Arkansas, has jurisdiction to swear witnesses anywhere in the State, is correct.

That this view is correct, in the absence of the question having arisen in Arkansas, and their interpretation of the law relative to the question of the jurisdiction of a Notary Public to administer oaths in any county of the State, having been left to the legislative power of that State, we would call attention to the manner in which the Legislature of Arkansas, itself, has seen fit to interpret her laws upon this question, as shown by her Act of April 4, 1901, Sec. 5743 of Kirby's Digest of the Statutes of Arkansas, which is as follows, to-wit:-
"The power and authority of Notaries Public shall be co-extensive with the State, for the purpose of swearing witnesses and taking depositions".

Respectfully submitted,

Starr & Patton

ATTORNEYS FOR APPLICANTS.

STAHR & PATTEN,

ATTORNEYS FOR APPLICANTS

VIRGINIA;

other such as now existing subject to the action of Congress on
part of the Government. The Government is now fully
prepared to take any action which may be required in order
that this matter is referred to to secure a complete solution of the
matters for the applicants and the action of the applicants herein, and
we therefore deem that the matter is disposed of and referred to the
proper authorities.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the Motion for a rehearing of the application for the enrollment of CYNTHIA HOWARD, ET AL., as Freedmen citizens of the Cherokee Nation.

M O T I O N.

Comes now the applicants and move to strike from the records the testimony taken in the case of Mary Sanders, Cherokee Freedman R. 38, et al., which has been attached to 'The Reply of the Cherokee Nation' in this case, for the reason that the Attorney for the Cherokee Nation seeks to bring into this case the testimony from an entirely different case and make it a part of the record in this case.

That said record can have no bearing upon this case and the mere conclusion of the Attorney for the Cherokee Nation that the Motion for rehearing has not been sworn to is not supported by any reference to Law and is only the statement of the Attorney for the Cherokee Nation and his opinion upon points of this kind without showing any Law to support it is not any better than the opinion of any one else. It is attempted to inject the testimony from another case into this case for the purpose of creating a prejudice against the Attorneys for applicants and against applicants in these cases and is in direct violation of the rule laid down by the Honorable Secretary of the Interior in Departmental letter of May 21, 1906 (D.C. 20724; I.T.D. 9262-1903; 4589-1903; 5537-1905; 9556-1905) in the matter of the Cherokee Freedmen Enrollment of Catherine Mix wherein the Department held "It is observed that the testimony taken in certain other cases was appended to the record herein and made a part of the record same, contrary to the objection of counsel for the applicants. While this action of the Commission is not considered proper in view of such objection, the additional testimony has not been considered inasmuch as the testimony submitted by and on behalf of the principal applicant is of itself sufficient to warrant the continued

which the Department has reached in the matter".

"Briefs submitted by counsel for the applicants and for the Nation have been considered. It is found that the Brief submitted on behalf of the applicants was supported by affidavits. In-as-much as new testimony can be properly introduced only for the purpose of securing a rehearing, these affidavits have not been considered in connection with said Motion, which was designed merely to secure a review of the Decision of the Commission to the Five Civilized Tribes".

It will be noticed that the so-called "Reply of the Cherokee Nation" has all of this testimony attached to it and the Attorney for the Nation evidently wants to have same considered by the Department. When this testimony in the Mary Sanders' case was taken, the Attorney for the Nation asked for a rule on us to see where we were on June 13th and on June 25th and whether or not Jessie Patten was a Notary Public for the Northern District of the Indian Territory. We appeared at Muskogee at the request of the Honorable Commissioner to the Five Civilized Tribes and consented to give our testimony in the Mary Sanders case and we stated that Jessie Patten was not a Notary Public for the Northern District of the Indian Territory but that she was a Notary Public for the Western District of the Indian Territory, and that as such Notary Public certain affidavits were sworn to before her in Vinita, Northern District of the Indian Territory. The Attorney for the Cherokee Nation, without looking up the Law, has jumped at the conclusion that said affidavits are void and we have filed our Brief in that case stating our position with reference to said affidavits, and on that same legal proposition we will file our Brief in this case.

This attempt on the part of the Attorney for the Cherokee Nation is in conflict with the ruling of the Department in Departmental letter dated June 20, 1906 (D.C. 28968; I.T.D. 6190-1903; 6700-1904) in the Cherokee Freedmen Enrollment case of Rayton Martin, et al., in which the Department held "A re-consideration of the record in this case shows that on the original hearing five witnesses were examined by the Attorneys for applicants and subjected to cross-examination by the Attorney for the Nation. Opposed to this showing there is attached to

the record the testimony of E. J. Clayton as taken in the Neatie Martin case. It does not appear that this testimony is filed with the consent of the Attorneys for the applicants, and in the argument submitted by them they state that their consent was not given."

"Since the hearing certain affidavits have been filed in behalf of the applicants".

"It is not the policy of the Department to consider evidence in citizenship cases submitted in this form, as it is manifestly unfair to the Nation and against the rules of evidence. In this case it is apparent that the evidence of E. J. Clayton, taken on another case and without opportunity of cross-examination by applicants' Attorneys is subject to the same criticism as the affidavits submitted by the applicant".

"The Department cannot in justice be expected to adjudicate a case on such affidavits on behalf of the Nation. In regard to the cross-examination of witnesses and the injection of testimony from other cases into the case under consideration your attention is called to Departmental letter of December 7, 1905, in the application for the enrollment of Deches, deceased, as a citizen by blood of the Creek Nation, and also to Departmental letter of May 21, 1906 relative to the application of Catherine Mix for her enrollment as a Cherokee Freedman. As the objections to this testimony were made in the argument submitted, the Nation should be permitted to introduce their evidence in the premises".

"The Departmental Decision of September 22, 1903, in this case is hereby rescinded, and the case is remanded for a further hearing. You are instructed to permit the applicants and the Attorney for the Nation to present such ~~HEARD~~ WITNESSES as they see fit on the matter of the rights of these applicants to enrollment as Cherokee Freedmen".

It is clear therefore that the Attorney for the Nation has violated the plain rule laid down by the Department when he filed with this case all of the testimony taken on July 12, 1906 in the matter of the application for the enrollment of Mary Sanders, et al., as Cherokee Freedmen. This testimony has no place in this record and we objected at the time to testimony being taken in the Mary Sanders case with reference to

that cases and we now earnestly object to this method of procedure on
part of the Attorney for the Cherokee Nation because it is plainly
proven on the just face of the so-called "Reply of the Cherokee Nation"
that this method is resorted to to secure a prejudice against the At-
torneys for the applicants and the cause of the applicants herein, and
we therefore move that the same be stricken from the records in this
case.

Respectfully/

Starr & Patten

ATTORNEYS FOR APPLICANTS.

RECEIVED
JAN 1 1908
U. S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of Cynthia Hoard, et al., as Cherokee freedmen, F. D. 662.

Reply of the Cherokee Nation
to Motion to Strike from the records filed by Attorneys for Applicants on
August 2, 1906.

The record in this case shows that an alleged motion to reopen was signed by Starr & Patten as attorneys for applicants, that they attempted to swear to the same before Jessie Patten, signing herself as a Notary Public on the 25th day of June, 1906, that said motion did not state upon its face where the said J. C. Starr of the firm of Starr & Patten, was when he attempted to swear to the same, nor where the said Jessie Patten was when she attempted to swear the said J. C. Starr to said alleged motion to reopen, and this information being peculiarly within the knowledge of the said J. C. Starr and Guy Patten and their stenographer and Notary, Jessie Patten, on July 7, 1906, a motion for a rule on the attorneys for applicants was made before the commissioner to the five Civilized Tribes, service having been accepted by Guy Patten of the firm of Starr & Patten, asking them to appear before the Commissioner on the 12th day of July, 1906, and give information as to their whereabouts on the 13th day of June, 1906, and the 25th day of June, 1906, and as to whether or not Jessie Patten was a Notary Public within and for the Northern District of the Indian Territory, upon either of those dates, or upon any date previous to June 25, 1906. Said motion for rule was in words and figures as follows, to-wit:

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the alleged motion for a rehearing of the application for the enrollment of Mary Sanders, F. R. 38, and James Scott, et al F. D. 157, as Cherokee freedmen.

Motion for Rule on Attorneys for Applicants.

Comes now V. W. Hastings, attorney for the Cherokee Nation, and respectfully shows to the commissioner to the five civilized tribes that an alleged copy of a motion for a rehearing in the above entitled Cherokee freedmen cases was received by him on the 18th day of June, 1906; that said motion was signed by the firm of Starr & Patten as attorneys for applicants, said firm being composed of J. C. Starr and Guy Patten,

both of Vinita, Northern District, Indian Territory; that said motion was alleged to have been sworn to by J. C. Starr on the 13th day of June, 1906, before Jessie Patten, Notary Public, that the Jurat does not state where said J. C. Starr was when said oath was alleged to have been made. Attached to the alleged motion are copies of what purport to be affidavits made by Eliza Tucker and Chlora Foreman in support of said motion alleged to have been subscribed and sworn to before Jessie Patten, Notary Public on the 13th day of June, 1906. It is further represented to the Commissioner to the Five Civilized Tribes that your petitioner, W. W. Hastings, attorney for the Cherokee Nation, is reliably informed and believes, and so believing, charges that J. C. Starr was in the town of Vinita, Northern District, Indian Territory, on the 13th day of June, 1906, and that Jessie Patten, claiming to be a Notary Public, was also in Vinita, Northern District, Indian Territory, when she attempted to swear the said J. C. Starr to the alleged motion filed herein, and not in the Western District, Indian Territory, and that both Eliza Tucker and Chlora Foreman were at Vinita, Northern District, Indian Territory, on the same date, and not in the Western District, Indian Territory, when the said Jessie Patten attempted to swear each of said affiants to the affidavits attached to the motion and in support of the information, knowledge and belief which your petitioner has to the effect that all of said parties were at Vinita, Northern District, Indian Territory, and not in the Western District, Indian Territory, on the 13th day of June, 1906, there is hereto appended an affidavit made by the said Chlora Foreman in which it is recited that the affidavit hereinabove referred to was made at Vinita, Northern District, Indian Territory.

Your petitioner further alleges that this same firm of attorneys served what purport to be copies of motions in numerous cases upon your petitioner on the 25th day of June, 1906, that all of said motions are alleged to have been sworn to before this same Jessie Patten on the 25th day of June, 1906, and mailed from Vinita, Indian Territory, by registered mail on the morning of that day. Your petitioner states upon knowledge, information and belief, and so believing, charges that Jessie Patten was not a Notary Public of the Northern District of the Indian Territory on June 25, 1906, or any date previous to that; that on June 25, 1906, she was at Vinita, Northern District, Indian Territory, as was J. C. Starr, and that her attempts to swear said J. C. Starr or any other witness to alleged motions for rehearing or affidavits, were null and void.

Your petitioner further alleges that the facts of the whereabouts of the said J. C. Starr and Guy Patten and the said Jessie Patten on the 13th day of June, 1906, and the 25th day of June, 1906, and as to whether or not the said Jessie Patten was a Notary Public within and for the Northern District of the Indian Territory upon either of those dates is peculiarly within their knowledge.

Wherefore, Petitioner asks the Commissioner to the Five Civilized Tribes for a rule upon the said firm of Starr & Patten, composed of J. C. Starr and Guy Patten to appear before the Commissioner to the Five Civilized Tribes on the 12th day of July, 1906, and disclose to the Commissioner to the Five Civilized Tribes where they and each of them were on the 13th day of June, 1906, and the 25th day of June, 1906, and if they were within the limits of the Northern District of the Indian Territory, whether or not the said Jessie Patten was a Notary Public upon those dates within and for the Northern District of the Indian Territory.

W. W. Hastings,
Attorney for the Cherokee Nation.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
WESTERN DISTRICT.) ss.

W. W. Hastings, being first duly sworn states that he is the attorney for the Cherokee Nation; that the facts set forth in the above motion are true as he verily believes; that he knows of his own personal knowledge that the firm of Starr & Patten, composed of J. C. Starr and Guy Patten, are residing and doing business at Vinita, Indian Territory, that he is informed and believes the other facts set forth in the above motion are true.

W. W. Hastings.
Subscribed and sworn to before me on this the 7th day of July, 1906.
My Com. Ex. 1-2-1910. Edward B. Miller, Notary Public.

By referring to the aforesaid motion it will be seen that the attorney for the Cherokee Nation alleged that he was reliably informed, and being so informed, charged that both on the 13th day of June, 1906, and on the 26th day of June, 1906, J. C. Starr and Guy Patten, composed the firm of Starr & Patten, and were in the Town of Vinita, Northern District, Indian Territory, and that Jessie Patten was also in said Town of Vinita, Northern District, Indian Territory, and not in the Western District, Indian Territory, and therefore not authorized to administer an oath in Vinita, Northern District, Indian Territory, and her attempt to administer the oath of J. C. Starr to the motions for rehearing were null and void, and the attorney for the Cherokee Nation further alleged that this knowledge being peculiarly within the information of the said Starr & Patten they were asked to appear upon that date and to give information as to their whereabouts and also as to the whereabouts of the said Jessie Patten and as to whether or not she was a Notary within and for the Northern District of the Indian Territory. The records further show that all three did appear and were sworn and J. C. Starr testified that he was 36 years of age and a member of the firm of Starr & Patten, and upon being asked:

"Q. Are you willing to state as to your whereabouts on June 26, 1906, and whether or not it was Jessie Patten is a Notary Public within the Northern District of the Indian Territory?" he answered, "I am."
"Q. Where were you on that date? A I was in Vinita, Indian Territory."
"Q. Were the affidavits referred to in the motion of the attorney for the Cherokee Nation signed by you at Vinita? A Yes sir."
"Q. Is Jessie Patten a Notary Public for the Northern District of the Indian Territory? A She is not; she is a Notary Public for the Western District of the Indian Territory."
"Q. Were the affidavits signed by you in the Northern District of the Indian Territory? A Yes sir."

He afterwards testified upon direct examination that Jessie Patten was a stenographer in his office and had been working there then about two months which would date it back to about the 18th of May, 1906.

Guy Patten took the stand and testified in substance to the same that J. C. Starr testified to.

Jessie Patten was called to the stand and she testified and was cross-examined by Mr. Patten. The result of the inquiry established that both on June 13th and June 26th, 1906, as well as other dates all three parties named, Starr & Patten and Jessie Patten, a Notary, were in Vinita,

Northern District, Indian Territory, and not in the Western District, where they attempted to have affidavits made before Jessie Patten as their Notary. These affidavits were taken at the instance and at the suggestion and by the direction of the said J. C. Starr & Guy Patten. Reference is made to the testimony which is attached to our reply brief in this case.

It is complained on behalf of the attorneys Starr & Patten in their motion to strike from the record the testimony attached to our reply brief that "it is attempted to inject the testimony from another case into this case for the purpose of creating a prejudice against the attorneys for applicants." We do not understand why such a charge would be made if no wrong had been committed, if they were entitled to be sworn at vinita, if Jessie Patten were a Notary Public within and for the Northern District, then how could a prejudice be created against the attorneys for applicants. No prejudice can be created against attorneys by calling attention to legitimate practices, and if the practices are illegitimate it is our duty as the attorney for the Cherokee Nation and its representative, regardless of consequences, to invite the attention of the Commissioner to the five Civilized Tribes and of the Department to it, and we being informed as we stated in our motion for a rule that the jurats met advising the Commissioner to the Five Civilized Tribes where the affidavits were taken that it was our duty to have the matter investigated to see whether or not they were really taken within the jurisdiction of the Notary Public, namely, within the Western District of the Indian Territory, for which she was appointed. If these affidavits had really been taken within the Western District, certainly you would never have heard any protest from Starr & Patten now that prejudice was attempted to be created as against them, because none could have been created against them. They cite the decision of the Department in the case of Catherine Mix, wherein the Department held that testimony should not be thrown from another case into that case, and they also cite the case of Payton Martin, P. D. 304, in which the Department held that the testimony of E. J. Clayton should not be thrown from another case into that one. But lets examine the cases a little more critically and see why the Department so

held. In the Payton Martin case the Department held:

"In this case it is apparent that the evidence of E. J. Clayton taken in another case and without opportunity of cross-examination by applicants' attorneys, is subject to the same criticism as the affidavits submitted by the applicants."

Note, will you, that the objection was that the attorneys for applicants were not given the opportunity to cross-examine E. J. Clayton and that was the objection urged by the department to throwing the testimony of E. J. Clayton from some other case over into the Payton Martin case. But lets examine the motion before us. Not only did the firm of Starr & Patten have the opportunity to cross-examine the witnesses, J. C. Starr & Guy Patten and Jessie Patten on July 12, 1906, but they were the identical witnesses themselves and they were present themselves and therefore the objection that they were without opportunity to cross-examine themselves and to cross-examine Jessie Patten cannot be urged in this case, and that is the only objection that the Department had either in the Catherine Mix case or the Payton Martin case to the introduction of the testimony was that the attorneys were without opportunity to cross-examine the witnesses who gave the evidence which was thrown into that case. In other words, so far as that case was concerned it was ex parte and so far as those lawyers representing Catherine Mix and Payton Martin were concerned it was ex parte. But in this case J. C. Starr and Guy Patten are estopped by their own oaths from saying that they did not speak the truth, each of them practically swore to the same thing, and they are corroborated by Jessie Patten, namely, to the effect that each of them was in Vinita, on June 13th and June 25, 1906, when they attempted to make the affidavits to the several motions filed upon those respective dates. Why would it have been necessary to have taken their testimony in each separate case? They were notified in the motion for a rule that their whereabouts on those respective dates was desired and that that was going to be inquired into, and furthermore that it was going to be inquired into as to where Jessie Patten was and as to whether or not she at any time previous to June 25, 1906, was ever a Notary Public within and for the Northern District of the Indian Territory. The attorneys complain that the attorney

for the Cherokee Nation has jumped at the conclusion that these affidavits are void, that were attempted to be sworn to before a Notary public appointed for the Western District, but sworn to in the Northern District of the Indian Territory. Certainly we urge that they were void, and we have filed a brief in the Mary Sanders case, setting up that fact, but we think really that no brief was necessary to be filed, because the attorneys themselves practically admit that they were void by attempting to have them retaken in every single case; they admit that they are void by saying that we are attempting to create prejudice against them, because we could not create prejudice against them if their acts were legitimate; they admit that they were void because in their brief they cite an act of the Arkansas Legislature approved April 4, 1901, which extends the territorial jurisdiction of a Notary Public to the entire State, which shows that if the Notary had previous to that time had jurisdiction to administer an oath all over the State, although appointed for a single county, then there would have been no need of the Legislature of Arkansas passing the act approved April 4, 1901, and cited in counsel's brief. Not content however with our own conclusion we cited the case of *Commonwealth versus Schwieters*, decided by the Court of Appeals of Kentucky May 18, 1906, it being a case wherein the defendant was being tried for perjury, he having been sworn before a Notary Public who was outside the county for which he was appointed at the time he attempted to administer the oath, wherein the court held:

"If Clarence E. Walker was not a Notary public in the City of Louisville then the defendant was not sworn before a Notary public for the authority of a Notary public is confined to the limits designated in the commission of the governor on making the appointment. He has no authority to act outside of those limits and anything done by him outside of them is done as a private person and not as a Notary public.....If Walker was not then and there a Notary public he was not sworn before a Notary public, but before a private person.....The charge that the act was done before a Notary public must mean that the person before whom it was done was then and there a Notary public. An officer does not carry his official character with him beyond his bailiwick, but stands there only as a private person."

We submit, therefore, that the motion for a rule filed on July 7, 1906, citing the members of the firm of Starr & Patten on July 12, 1906, was sufficiently definite to apprise them that their whereabouts was going

to be inquired into up to and including June 25, 1906, and that they being present and they themselves being witnesses, with the opportunity to examine and cross-examine themselves, and with the opportunity to cross-examine Jesse Patton, their own stenographer and notary, that they are estopped from complaining that this testimony was taken to their prejudice, because they were under oath, presumed to speak the truth, and the truth is not presumed to prejudice any one, and they having had opportunity to cross-examine themselves, and they being advised as to the intended scope of the examination, we submit that the motion to strike out in this case should be overruled, because the record shows that each of the alleged motions were attempted to be sworn to on June 25, 1906.

Respectfully submitted,

8-9-06x

W. W. Hastings
Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment of Cynthia Heard et al as Cherokee Freedmen.

F. D. 662.

The Commission to the Five Civilized Tribes on March 11, 1904 rejected the applicants and the acting Commissioner of Indian Affairs on July 25th 1904 (Land 18,421-1904) recommends that the action of the Commission be reversed and that the applicants be enrolled as Cherokee Freedmen, without reviewing the case or showing any reason therefor in his letter.

A Careful perusal of the letter does not indicate any reason why the action of the Commission should be reversed but upon the other hand it seems to us to clearly and conclusively prove that the principal applicant Cynthia Heard did not return to the Cherokee Nation in time to qualify under the treaty.

Cynthia Heard was a child of Fanny Walker who was a slave of Tim Walker and Betsy Walker at the commencement of the war and lived near Park Hill I. T. some twenty miles from Fort Gibson, Indian Territory. Cynthia Heard does not know her age but from her own testimony and that of others submitted in the case she must have been about two months old when the war commenced and therefore her testimony as to where she was in the year of 1866 should not be given any weight by the Commission.

The first witness she introduced in her own behalf was Luster Foreman and we ask a careful examination of his testimony. Now Luster was a celebrated Standing negro witness who has since gone to his reward. We have had occasion to notice him in our General Brief. But when Luster took the stand in behalf of these applicants he made a very unsatisfactory statement; he was not certain that he knew the applicant; he was not certain at first whether he saw her mother Fanny in 1865 or 1866 or perhaps in 1867 and it will then be noted that he never saw her any more until the Clifton Court which was known to have made the roll in 1896. After Thirty years had elapsed it will be noticed that he claims to have seen her mother at Fort Gibson.

The next witness was Moses Riley and he testifies to having seen her the first time about twenty-eight years prior thereto which would have made it in 1873.

Moses Hardrick another colored man was then called to the stand and after making some conflicting statements as to the time he came to the Cherokee Nation says in the fall after he made a crop that he went to Fort Gibson and saw the applicant. Now this witness himself is upon a doubtful card and has been denied by the Commission upon the ground that he himself did not return in time to qualify under the treaty, of 1866 and if that be true clearly he was not in a position to be a competent witness to testify of having seen the applicant in 1866.

During the course of the examination R. M. Walker her young master was called to the stand; he testified of the former ownership of Cynthia Heard and her mother Fanny and he testifies that they went out of the Cherokee Nation during the war to Kansas and he swears that he returned to the Cherokee Nation in February 1866 with his father and located at Fort Gibson. Now Fort Gibson is still a small town of five or six hundred people and was a much smaller village at that time and R. M. Walker says he saw Fanny's sister Charlotte Walker and that he never saw her or Cynthia Heard for years after the war. This is the testimony of a disinterested witness; one that could not possibly wish his old slave any harm; he was called to the stand at first by the applicant herself and later by the Cherokee Nation in order that the whole truth with reference to her return might be investigated.

Just here your attention is invited to a significant fact and that is the name of Cynthia Heard does not appear upon any roll made by the Cherokee Nation; nor does it appear upon the Wallace Roll made in 1887 made by the Government nor upon the Kern-Clifton Roll made in 1896. She even testifies that she never even applied to the Kern & Clifton Commission in 1896 although she had a husband and she had a number of children.

2.
who would have drawn money with her had her statement been true that she was entitled to be enrolled as a Cherokee Freedman.

The Department, no doubt, is well aware that in 1896 the Kern & Clifton Commission began the making of a Freedman roll in April in that year and sat at various places throughout the Cherokee Nation, twice at Hayden, Indian Territory only a few miles North of Chelsea and once upon the hill about a mile and a half from Chelsea in sight of where the applicant lived and at various other places throughout the Cherokee Nation including Fort Gibson where the applicant at any of these times could have appeared in person with her witnesses or through her attorney with her witnesses and made application to be enrolled as a Freedman citizen of the Cherokee Nation if she were so entitled: Is it not almost conclusive to the Department that if this applicant did not apply to Mr Wallace in 1889 to be enrolled and made no effort to be enrolled in 1896 that she knew that she was not entitled under the treaty of 1866 and is not this very fact strongly corroborative of the testimony introduced on part of the Cherokee Nation to show that these applicants are not entitled to Freedman citizenship in the Cherokee Nation.

The Cherokee Nation introduced Mrs T. M. Walker or Betsy Walker the Cherokee Mistress of Fanny the mother of Cynthia Hoard and also her son Jack Walker who testified to having lived within two miles of Fort Gibson since 1866 and they were positively that neither Fanny nor Cynthia was ever seen in that vicinity after the war; they saw Charlotte the sister of Fanny; they made inquiry of Fanny and they heard of her living in Kansas at the time and certainly if Luster Foreman or Mose Hardrick, who were unacquainted with the applicant before the war had been able to find and see the applicant in Fort Gibson in the year of 1866 certainly her old mistress would have known it because anxious inquiry was made for all of the old slaves as well as for blood relatives.

Tom Walker a colored man was also introduced and he swears that he lived in and around Fort Gibson ever since during the war; he is a son of Charlotte Walker and therefore the first cousin of the Principal applicant in this case and he swears positively that he never saw Aunt Fanny until after the war. Certainly it can not be said that these witnesses were prejudiced against the applicant because he is a colored man, a first cousin to the applicant and a son of Charlotte but this notorious witness of applicants, Luster Foreman, who claims to have seen the applicant and her mother. But this witness swears that the first time he ever saw the applicant was in 1897. Mrs Emma Drake another daughter of Mrs Betsy Walker testifies to the same fact.

In the light of this testimony we do not see how that the Commission to the Five Civilized Tribes could render any other decision than one denying the applicants.

It must be remembered that the applicants claim to have been in Fort Gibson in 1866, they are located there by their own witnesses and they are located at Charlotte Walkers, who is a mother of the witness Tom Walker and Tom Walker a first cousin to the applicant emphatically denies it. Mrs Betsy Walker denies that Cynthia Hoard or her mother was at Fort Gibson after the war; R. M. Walker and Jack Walker both sustain their mother Betsy Walker as does also Emma Drake. These witnesses on part of the Cherokee Nation are strongly corroborated by the fact that the applicants names appear upon no roll ever made by or on behalf of the Cherokee Nation; they never drew any money; they never applied in 1896 and we beg pardon for submitting that in our judgment the testimony conclusively shows that applicants are not entitled to be enrolled as Cherokee Freedmen and for these reasons we submit that the Commissions decision should be sustained.

Respectfully,

W. W. Hastings
Attorney for the Cherokee Nation.

F. D. 6672
Cynthia Rod it al

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this.....
day..... A. D. 1901.

.....
Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

.....
on the..... day of..... A. D. 1901

.....
Subscribed and sworn to before me
this..... day of..... A. D. 1901.

.....
Notary Public

the filed

NOTICE!

IN THE MATTER OF The application of Cynthia Nord et al
for enrollment as a Cherokee Freedman:

Case No. F. D. 642

To Cynthia Nord:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Chelsoe Indian Territory, on the following dates, to-wit: June 11th A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 10th day of June, 1901.

W. W. Hastings

J. S. Lavenport
Attorneys for the Cherokee Nation.

FD. 662

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this.....
day..... A. D. 1901.

.....
Marshal for Cherokee Nation.

.....
I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

.....
Attorney for applicant.

.....
UNITED STATES OF AMERICA, }
INDIAN TERRITORY, - } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

.....
on the..... day of..... A. D. 1901

.....
Subscribed and sworn to before me
this..... day of..... A. D. 1901.

R
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SEP 14 1901

NOTICE!

IN THE MATTER OF The application of Cynthia Hoard
for enrollment as a Cherokee Freedman:

Case No. F. D. 662

To Cynthia Hoard Chelsea I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept., 25th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept., 1901.

B. S. Bell
W. W. Hastings

Attorneys for the Cherokee Nation.

COMMISSIONERS
TAMM DIXIE,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

7289

REFER IN REPLY TO THE FOLLOWING
Cherokee F.D-662

Muskogee, Indian Territory, March 15, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tablequah, Indian Territory.

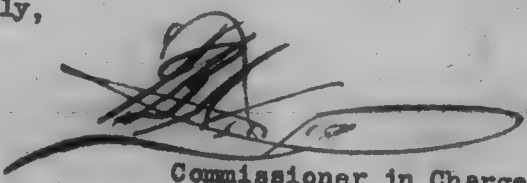
Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the application of Cynthia Hoard for the enrollment of herself and her six minor children, Robert, Zella, Armit, Clifton, Edmund and Tecumseh Hoard, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. V-23.


Commissioner in Charge.

Refer in reply to
the following:
Land,
1842-1904.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 28, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated March 15, 1904, transmitting the record of the application for enrollment as Cherokee freedmen of Cynthia Beard for herself, and for minor children, Robert, Ella, Armit, Clifton, Emma and Thomas Beard.

March 11, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the principal applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and that she returned prior to February 11, 1867. The Cherokee Nation has introduced some testimony of witnesses who swear that they did not see the principal applicant prior to February 11, 1867. The other applicants derive their title from their mother, Cynthia Beard.

In view of the record it is recommended that the action of the Commission be reversed and that all the applicants be enrolled as Cherokee freedmen.

Very respectfully,
A. C. Senter,
Acting Commissioner.

H.M.M.
S. C. H.

D.O. 87368-1904.

(COPY)

T.P.

L.S.

DEPARTMENT OF THE INTERIOR,

I.T.D. 4023-1904.

WASHINGTON.

July 22, 1904.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

There is enclosed herewith copy of Indian Office letter of July 20, 1904, recommending that your decision adverse to the applicants in the Cherokee freedman case of Cynthia Heard et al, be not concurred in.

It is requested that you furnish the attorney for the Cherokee Nation a copy of said letter and advise him that he will be allowed 30 days from notice within which to file any argument in the matter he desires, such argument to be served upon principal applicant.

He will also advise principal applicant that she will be allowed 10 days to reply to any argument made by the Nation.

In due time promptly report.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

I Indigore.

COMMISSIONERS:
TAMM BERRY,
THOMAS R. NEEDLES,
C. E. BRACKENRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

msg

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedman, D-662.

Muskogee, Indian Territory, August 12, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of Departmental letter of July 28, 1904, in which it is stated that the Commissioner of Indian Affairs recommends that this Commission's decision rejecting the application of Cynthia Hoard, et al., be reversed and that the applicants be enrolled.

In accordance with the Department's instructions, you are advised that you will be allowed thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, such argument as you may desire to submit in this case, copies of which argument you will be required to furnish the principal applicant and her agent, I. P. Bledsoe, Choteau, Indian Territory. For your information there is herewith enclosed a copy of the Department's letter above mentioned.

Respectfully,



Commissioner in Charge.

Encl.
DTS-10.

DEPARTMENT OF THE INTERIOR,

Land
3730-1906.
16333-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 27, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of January 14, 1906 (I.T.D. 6022 and 12590-1904), affirming the decision of the Commission, rejecting the applicants in the Cherokee freedmen case of Cynthia Heard, et al., I have the honor to transmit herewith a communication from Commissioner Hixby, dated February 13, 1907, enclosing motion for re-hearing of the Cherokee freedmen enrollment case of "Cynthia Heard and her children, Robert, Zella, Armit, Clinton, Edmund, Tecumseh, Russel, and Justine Heard", filed in his office on June 25, 1906, by Starr & Patten, attorneys, of Vinita, I.T.

The motion sets out no sufficient reason why a re-hearing should be had in this case. It asks the Department to "grant her a new trial in this case and give her an opportunity to prove that she returned to the Cherokee Nation and established a residence therein prior to February 11, 1867." There is an allegation that the testimony that she asks to introduce is newly discovered or that it could not have been secured in time for the original hearing. There is no showing that the motion was not made for the purpose of delay, and as she had nearly five years in which to complete her case, it is not thought the

motion should be granted. The Office concurs in the recommendation of the Commissioner that it be denied.

The record in the case is enclosed herewith.

Very respectfully,

E. F. Larabee,

Acting Commissioner.

W. H. H.

J. F. Jr.

DEPARTMENT OF THE INTERIOR, LEB.

D.C. 12669-1907.
I.T.D. 5788-1907.
LRS.

WASHINGTON.

March 2, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freedman case of Cynthia Heard et al., received with your letter of February 13, 1907, and Indian Office letter of February 27, 1907 (Land 16333) is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of section 2 of the act of April 26, 1906 (34 Stat., 137), relative to the completion of the citizenship rolls of the Five Civilized Tribes.

A copy of Indian Office letter is inclosed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Jesse W. Wilson,

1 inc. and 3 to Ind. Of.
W.C.F. 3/2/07.

Assistant Secretary.

REFER TO REPLY TO THE FOLLOWING:

Cherokee freed-
man R 681

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 2, 1907.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of Cynthia Heard, et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-7
MMP

W. H. Rogers
Acting Commissioner.

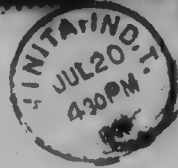
If not delivered in ten days return to

J. C. Starr

ATTORNEY AT LAW
Rooms 4, 5 and 6, Leader Building
VINITA, I. T.

F40662

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W W Hastings

Reg
JUL 20 1906

VINITA, IND. TER.

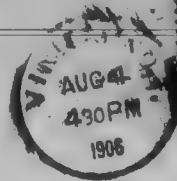
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Muskogee
J. T.

RETURN IN TEN DAYS TO

J. C. Starr
BLUE & BULGER
ATTORNEYS AT LAW
VINITA, IND. TER.

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W. W. Hastings

Muskogee
J. T.



RETURN IN TEN DAYS TO

Starr & Patten
BLUE & BULGER
ATTORNEYS AT LAW
VINITA, IND. TER.

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W. W. Hastings,

Muskogee I T

June 2/10
Cynthia Haard



F40662





Cher Fr D 663

Cher Fr D 663

Mr. Hastings: For the purpose of the Nation.

- Q Give me your name? A Robert Webber.
- Q How old are you? A 31.
- Q Are you the husband of Margaret Webber? A Yes sir.
- Q You applied here a few days ago? A Yes sir.
- BY Mr. Hastings:
- Q Who did you give as your name? A Robert Webber.
- Q Did you belong to Akoy Webber at the time the war broke out?
- A Yes sir.
- Q You know Jim Little at Vinita? A Yes sir.
- Q Did you know him before the war? A No sir.
- Q Did you know his father, Daniel Little before the war? A No sir.
- Q When did you become acquainted with Daniel Little? A After I was taken prisoner.
- Q Who brought you back to this country? A I came with Mr. Gunter,
- as far as this place.
- BY Mr. Hastings:
- Q What Gunter was that? A Galdeen Gunter.
- BY Mr. Hastings:
- Q Where did Galdeen Gunter live? A He lived up there at Gillean Springs, I guess that's the place.
- Q Arkansas? A Yes sir.
- Q You never belonged to Daniel Little before the war? A No sir.
- Q You never returned with him after the war? A No sir.
- Q Did you ever work for him? A I worked for him a little while.
- Q How long after the war? A After the war.
- Q How long after the war? A In the spring of '03.

FILED
JAN 13 1901
COMMUNICATION TO THE CHIEF OF THE
DEPARTMENT OF THE INTERIOR

File with Cherokee Freedman, D- 663, Sam Webber

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8th, 1901.

In the matter of the application of Robert Webber for the enrollment of himself and wife as Cherokee Freedmen; said Webber being sworn and examined by Commissioner C. R. Brackinridge, testified as follows:

Appearances:

Messrs. Mallette & Smith for Applicants.

Mr. J. S. Davenport for Cherokee Nation.

- Q Give me your name? A Robert Webber.
Q How old are you? A About 65.
Q What is your postoffice? A Hazden.
Q In what district do you live? A I live in Cooweescoowee District.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A My wife.
Q Is that all? A My children.
Q How many children? A Four.
Q You have got four children that are under 21? A No, they are all married.
Q Then it is just you and your wife? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life, born here.
Q Were you out during the war? A Yes, sir.
Q What time did you come back? A I come back in '66.
Q Have you lived here ever since you got back in 1866? A Yes sir.
Q Were you the slave of a Cherokee citizen when the war broke out?
A Yes, sir, I was the slave of old Akey Webber.
Q Was she a recognized citizen of the Cherokee Nation?
A Yes, sir, full blooded Indian.
Q What time did you come back in 1866? A Afore, in the summer.
Q To what point did you come? A I come on the Barren Fork in Tahl quah District.
Q You came right to Barren Fork? A Yes, sir.
Q Give me the name of your wife? A Margaret.
Q How old is your wife? A She is about 66.
Q When did you marry her? A In time of the war.
Q Was she a slave of a Cherokee citizen when the war broke out?
A Yes, sir.
Q Whom did she belong to? A John Gunter's mother.
Q What was her name? A Nancy Ward.
Q Was she a well known and recognized citizen of the Cherokee Nation? A Yes, sir, I guess so, she always drew money with them.
Q Did this woman, Margaret, go with you to Kansas? A No, sir, we was in Texas together.
Q You didn't go to Kansas? A No, sir.
Q She went with you? A That is where I found her when I got her.
Q You married her down there? A Yes, sir.
Q Was she there with a Cherokee by blood? A Yes, sir.
Q Did the Wards have her there? A Yes, sir.
Q Did she come back with you? A Yes, sir, I brought her back.
Q Has she lived in the Cherokee Nation ever since? A Yes, sir.
The 1880 authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1886 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Cliffert Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 160, #4430, Robert Webber, Cooweescoowee District.
Page 175, #4288, Margaret Webber, Cooweescoowee District.

Q Now, how does it happen that neither you nor your wife is on the roll of 1880? A Well, I guess they just didn't want to put it on there.

Q What reason did they give? A Didn't give any reason.

Q Did you talk to them about it when they come around? A Yes sir.

Q What did they say? A Didn't say anything, said they would put it down.

Q Did they tell you it was all right or they didn't know?

A They didn't know: wasn't but one man told me it was all right and that was Rufus Ross.

Q Did you ever go to Tahlequah and see about having your rights recognized? A Yes, sir.

Q When did you go? A When John Chambers was Judge.

Q Did you attend his Court? A Yes, sir. He sent a summon for me.

Q Did you have proceedings there before his court? A Yes, sir.

Q And what was the result of the proceedings? A I put me off for two or three weeks.

Q And then what did they do? A When I went back they had done tried me and put me on the doubtful roll and I said it was a poor way to try a man and him absent.

Q Did they question you when you first went there? A No, he just talked some when I went there and told me all he wanted was good evidence.

Q Did he examine any witnesses? A No, sir.

Q Did he ask you about when you come back and all about it?

A Yes, sir.

Q Asked you all about it at that time? A Yes, sir.

Q He took your own evidence? A Yes, sir. I got to the door and he got to talking Cherokee to me and we stood there talking Cherokee a long time and he said we will put it off for two weeks and I returned inside of two weeks.

Q Did you take any witnesses? A Yes, sir, they are dead now.

Q Did you take them back in that two weeks? A No, sir, they lived down there.

Q Did they live at Tahlequah? A Yes, sir.

Q You had them there at the end of two weeks did you? A Yes, sir.

By Mr. Mellette:

Q Who did you come back with? A I come with a fellow by the name of Veb Crittendon.

Q Where is the first point you struck in the Cherokee Nation when you came here? A The first pint I struck was on the Illinois River by Mr. Misgrove's; I come down the big road, down Lindsey's prairie.

Q Where did you come from? A I come from Caldine Gunter's.

Q In what State? A That was in Arkansas he lives, I moved him there.

By Commissioner Beckwith:

Q You moved him from where? A From Texas.

Q How long did you stay at Caldine Gunter's? A I stayed there that winter, in '65, and in '66 I left them, told mother there was a limit and I had better get back.

Q Is that up in Washington county, Arkansas? A Benton county I think.

Q Did you stay there as much as a year? A No, sir.

Q What time of the year was it you got there? A In the winter.

Q And what time did you leave? A I left in the spring.

Q The following Spring? A Yes, sir the following spring.

Q You came to Gunter's from Texas? A Yes, sir.

Q About what time in the winter? A I don't know just exactly.

Q Well about how long after Christmas? A Oh, I guess it must have been a week or two after Christmas.

Q How did you happen to leave Texas and go up to Gunter's?

A He was coming back and he said he would bring me back.

Q Was the war over? A Yes, sir, peace was declared in '65, I leave Texas for him.

Q Had Gunter been in the Confederate army? A No, sir, he hadn't been in any army at all; he stayed with his family.

Q There was no fighting when you came back? A No, sir, the war was ended but it was little kinda squally times yet.

Q Who came with you and the Gunters? A Follow by the name of Crittendon.

Q How long had the war been over when you went to Gunters?

A Peace was declared in '65; I was with Gunter there in Texas when peace was declared, we started back home that same summer.

Q Have you lived in the Cherokee Nation ever since you came to it from Gunter's in Arkansas? A Yes, sir.

Q Was your wife with you at Gunter's? A Yes, sir.

Q Did she come with you from Gunter's to the Cherokee Nation?

A Yes, sir, I moved her down from Gunter's to the Cherokee Nation.

By Mr. Davenport:

Q Now, Robert, did you belong to Caldine Gunter at the breaking out of the war? A Yes, sir.

Q You belonged to whom? A Old Akey Webber.

Q Where were you living with reference to Caldine Gunter and family when the war broke out? A I was living down here by Tahlequah.

Q How far from Gunter's? A About 35 or 40 miles.

Q They were living at what is known as Siloam Springs? A Yes, sir.

Q You went south to Texas during the war? A Yes, sir.

Q And you came back to Arkansas with Caldine Gunter and his family?

A Yes, sir.

Q Do you remember the names of Caldine Gunter's children that were living then? A Yes, sir, I know part of them, John T. Gunter.

Q He lives here at Vinita? A Yes, sir.

Q Do you remember his oldest daughter's name? A Ann Eliza.

Q Mrs. Doctor Fortner at Vinita? A Yes, sir, and Eliza was out cow driver.

Q When you applied to the Chambers Court in 1871 to be admitted, you were decided against, of course, you had returned too late?

A That is what they said.

Q Now, when you came back to the Nation whose farm did you come to first? A I went to the old Roach farm on Harren Fork, the George Roach's farm.

Q He was living there? A Yes, sir.

Q He is now living down in there? A Yes, sir.

Q He would know when you got back? A Yes, sir, he ought to know I made a crop there.

Q In giving your testimony before you didn't state that you returned to Caldine Gunter's in 1865? A No, sir, I didn't.

Q How long did you live on the Roach place on Illinois river in that country there? A I lived down in that country four or five years.

Q Who else of the Cherokee families were living there when you returned to the Roach place? A Men Roach and John Roach and Ballie.

Q Were there any other Cherokee families there other than the Roach family? A Aaron Crittendon.

Q How far is this Roach place from Tahlequah? A Ten miles.

By Gen. Breckinridge:

Q Where was Caldine Gunter living when the war broke out?

A He was living there where I left him, I guess.

Q At Siloam Springs, Arkansas? A Yes, sir.

Q Was your wife living with him? A I guess so, I didn't know anything about her when they were living there.

Q You met her in Texas? A Yes, sir.

Q Well, was she living with Caldine Gunter in Texas? A Yes, sir.

Q And she belonged to Caldine Gunter at the time she went back with Caldine Gunter to his house? A Yes, sir, she was in the family.

Q Now, you and your wife have a lot of children? A Yes, sir.

Q They are of age? A Yes, sir.

Q They may need to claim in your case so I will take their names now; give me their names? A Frank Webber.
 Q How old is Frank? A About 37.
 Q And then the next child? A Katie but then she went in with her husband.
 Q She is with her husband? A Yes, sir.
 Q What is her present name? A She is a Manley now.
 Q Has she already applied? A Yes, sir.
 Q Now the next child? A Josh.
 Q How old is Josh? A 33.
 Q How old is Josh? A 33.
 Q Now the next child? A Sam.
 Q How old is Sam? A 30.
 Q Now, the next child? A Ella, you get her down with her old man, Ella Wright.
 Q Has she applied yet? A Yes, sir, told me to speak to you about it; she was down with him, Walter Wright, I guess he put his name down.
 Q What is the name of Katie's husband? A Joe Manley.
 Q Which one comes next to Ella? A That is all.

LOUIS D. DANIELS, Being sworn and examined by Commissioner C. B. Breckinridge, testified as follows:

Q Give me your name? A Louis D. Daniels, age 56; postoffice, Clarksville.
 Q How long have you lived in the Cherokee Nation? A All my life, sir.
 Q Are you on the 1880 roll? A Yes, sir.
 Q Do you know this applicant here? A Yes, sir.
 Q Did you know him before the war? A No, sir, I got acquainted with him after the surrender.
 Q Where did you first meet him after the surrender? A In Fort Gibson, sir.
 Q When was that you met him in Fort Gibson? A That was in the summer of '88.
 Q That was the first time you met him was it? A For me to know him.
 Q What were the circumstances of your meeting, were you acquainted with him? A There were eight or ten of us going to go out and hunt some meat and kill some beaves, we was allowed to kill beaves by going to see the Chief and getting a permit, and we come up to Grand river and got an order from Chief Downing to kill some beaves and Bob was in the crowd with me.
 Q This man, Bob? A Yes, sir, there were several of us, there is six living now.
 Q Did he go with you to kill the beaves? A Yes, sir.
 Q And you remember of his being in that party? A Yes, sir, and every man remembers it that is living.
 Q Were there any other times that you have met him? A Yes, sir, I have met him since that, after he left Fort Gibson I don't know exactly what time I met him in '88 on Sam's Fork, I was going by there to buy some logs and I stayed all night with him in the Cherokee Nation, about 15 miles the other side of Tahlequah.
 Q Where was he living when you met him in Fort Gibson? A He was staying with his brother, I guess, I didn't ask him.
 Q Where was his brother living? A Right in Fort Gibson, Dude Webber.

By Mr. Newport:

Q Now, Louis, the first time you remember seeing Bob here in the Cherokee Nation from the time you went to get an order from Louis Downing to kill some beaves? A I may have seen him before that, but I didn't know it was Bob Webber.

ROBERT WEBBER, the applicant, recalled: By Com'r Breckinridge.
 Q These children you have named are five children are they all the children of your wife, Margaret? A Yes, sir.
 Q Were you ever married before you married Margaret? A Yes, sir.
 Q Back in old slavery times? A Yes, sir.
 Q Was your wife dead? A No, sir, but we are parted, she is right down here now.
 Q Your wife, Margaret, had she been married before? A Yes, sir.
 Q Had she been parted by the war? A Yes, sir.

FRANK ROSS, being sworn and examined by Commissioner C. E. Breckinridge, testified as follows:

Q Give me your name? A Frank Ross.
 Q How old are you? A 55.
 Q What is your postoffice? A Hayden.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Are you on the roll of 1880? A Yes, sir.
 Q Were you a slave in the Cherokee Nation when the war came on?
 A Yes, sir.
 Q Did you know this applicant here, Robert Webber, before the war?
 A No, sir.
 Q Did you meet him after the war? A Yes, sir.
 Q Where and when did you first meet him after the war?
 A Met him down here on Pryors Creek.
 Q What was he doing down there? A Hunting beeves, cattle.
 Q When was that? A In '86, in August.
 Q Who were with you? A Louis Daniels and Huse Rogers and Dude Webber and George Ross, that is all I saw. I didn't go down to the camp, I met them out on the prairie.
 Q Did you hunt with them? A No, sir, I had been hunting, I was going on home when I met him.
 Q Have you seen much of him from that time on? A Yes, sir, I have seen him off and on ever since that time.
 Q Has he always continued to live in the Cherokee Nation?
 A Yes, sir.
 By Mr. Davenport:
 Q You didn't leave the Nation did you, Frank, during the war?
 A I was out about eight months altogether.
 Q When did you return? A '86.
 Q What time of the year? A In March.
 Q Where were you living at the time the treaty was made?
 A I lived down here on Pryors Creek.
 Q What place? A Down there, this side of where the railroad crosses.
 Q Was there anyone living there at that time? A My ownrs lived there, my father and mother.
 Q Wasn't any improvements there on the farm? A None except what we put there.
 Q When did you put them there? A We moved up there in the fall of '86, we moved from the Rider place to Pryors Creek.
 Q You moved up there in the fall of '86? A Yes, sir.
 Q There were not any improvements there when you moved there?
 A No, sir, I was hunting beeves.
 Q You had got an order from the Chief to hunt beeves? A I lived right there by the Chief.
 Q What Chief? A Downing.
 Q That was in August, 1866? A Yes, sir.
 Q What time in August, '66? A About the first of August.
 Q When did Louis Downing become Chief? A He was only acting Chief then, he run the next coming year, because I voted for him, didn't vote for him either, voted for Bill Ross.
 Q You remember distinctly it was in 1866? A Yes, sir.
 Q Where was Robert Webber living then? A I don't know, he come down below there

Q You never asked him any questions about that? A No, sir, I knew Louis Daniels and all of them and I knew George Rose because we was raised together.

Q That is the George Rose that lives down here about Claremore?
A Yes, sir.

SAM WEBBER, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Your name is Sam Webber is it? A Yes, sir.

Q How old are you? A About 58.

Q What is your postoffice? A Nowata.

Q How long have you lived in the Cherokee Nation? A I was born here and raised here and come back in '68 here.

Q Are you on the 1880 roll? A Yes, sir.

Q Were you a slave in the Cherokee Nation when the war broke out?
A Yes, sir.

Q Did you know this man, Robert Webber before the war broke out?
A Yes, sir.

Q To whom did he belong? A Akey Webber, same woman I belonged to..

Q She was a recognized Cherokee citizen was she? A Yes, sir; talked all Cherokee, could not talk an English.

Q Did this man go out with you when the war came up?

A No, sir, I found him with the Pin Indians. When they pulled up and went north I found him with them when they went there.

Q Where was that? A That was somewhere near on the line, Arkansas line, where I found him when I went to him.

Q When was that? A That was ~~somewhere~~ along sometime near the war commenced.

Q He was with the Pins? A Yes, sir, when I seen him.

Q What did you see of him after that? A He was taken prisoner and was taken off and I didn't see him any more. His wife come to Kansas and said they come and got him at their house one night and I never seen him any more.

Q His wife came to your house? A Come to the soldiers' quarters.

Q Who did she say took him? A The Bushwhackers.

Q And they took him north? A No, sir, taken him south what she said.

Q And you don't know what they did with him down there? A No sir.

Q When did you see him after the war? A I saw him here along after the war when I lived up here he come up to see us.

Q That was two or three years after you got back? A Yes, sir.

Q Why did you get back? A '68.

Q And that was '68 or '69? A Yes, sir, somewhere along there.

By Mr. Davenport:

Q Sam, what became of Bob's wife after she came up to the soldiers' camp? A She stayed there and went to Pigeon.

Q Where were you camped at that time? A Over here about, I can't think of the name of the place, over here in Arkansas.

Q Now, what year was that? A That was along, the war run a little while.

Q Fighting was going on then? A Yes, sir.

ROBERT WEBBER, the applicant, recalled by Com'r Breckinridge:

Q What is this about your being with the Pin Indians? A I was a soldier.

Q Soldier in the army? A Yes, sir.

Q And you were captured were you? A Yes, sir.

Q And what did they do with you? A They took me to Texas.

Q You didn't go down to Texas with your Mistress, Akey Webber?

A No, sir, she was dead.

Q When did she die? A She died in '61.

Q Who did you belong to after your Mistress died? A I belonged to nobody, you see she died in '61 and I was still on the place.

Q You don't know who claimed you at that time? A No, sir.
 Q Who had charge of the place? A Her son, Robin Webber.
 Q Well, did you recognize his authority? A Oh, yes.
 Q Well then when they took you down to Texas what did you do?
 A I drove teams.
 Q For whom? A The Southern Government.
 Q Did you find this woman down there? A Yes, sir.
 Q Did you find any of your people down there?
 A Found Charley Webber, son of Akey.
 Q Were you hired out to the Southern Government? A Yes, sir.
 Q Who did the hire? A Charley Webber I suppose.
 Q What did you have to do with Webber at that time?
 A They took me there and hauled and he was working for the Government.
 Q What did this young Webber have to do with it? A The war was nearly over and he said I could just stay there.
 Q Was he living in Ginter's neighborhood? A No, sir, he heard of me later and come over after me.
 Q Then you married this woman that belonged to Ginter? A Yes, sir.
 Q This woman Margaret? A Yes, sir.
 Q And went on up to Ginter in Benton County? A Yes, sir.
 Q Now, when you first came back from Texas you went to Benton County? A Yes, sir.
 Q And then from Benton County where did you go? A To the Cherokee Nation.
 Q Whereabouts? A On the Barren Fork.
 Q How far to the Mouth of Barren Fork? A It must be about ten or 12 miles above.
 Q Well how long after you got there to Barren Fork was it before you ever had an occasion to go down to Fort Gibson?
 A I don't know, sir, how long I stayed at Barren Fork before I went to Fort Gibson.
 Q What neighbors did you have down there? A Hugo Ginter and Wooten Looney.
 Q Is that the time you got with Louis Daniels? A Yes, sir.
 Q Did you go on that cattle hunt with them? A Yes, sir.
 Q After that where did you go? A I went back to Barren Fork.
 Q How long did you live there? A About four years.
 By Mr. Bavenport:
 Q Bob, in giving your testimony a while ago how did it happen that you didn't say anything about being taken by the soldiers south?
 A You asked me how I got down there as I know of.
 Q Didn't I ask you if you didn't go down there with Galdine Ginter and family? A Yes, sir.
 Q Didn't you tell me on cross-examination that you had married this girl before you went south? A No, sir.
 Q And didn't you tell me that you lived that Ginter lived about 35 or 40 miles from where Webbers lived and that Ginters lived in Arkansas and that you lived in Tahlequah? A Yes, sir.
 Q How many children has your wife got? A Yes, sir.
 Q How old is your oldest child? A 31.
 Q What time did you go to Texas when the soldiers took you there?
 A I don't know.
 Q When did you and your wife marry? A Shortly after we got there.
 Q How about the war, was it over? A No, sir, the war was going on.
 By Hon. J. Breckinridge:
 Q Who was Galdine Ginter's wife? A She was a Ward.
 Q Was she a Cherokee? A Yes, sir.
 Q Was Ginter himself a Cherokee? A No, sir.
 Q Where is Nancy Ginter living now? A She is living here.
 Q Where? A In Benton County.
 Q Has she lived there ever since the war? A I guess so.
 Q You never heard of her coming back?
 A No, sir, I never heard of her since.

tution of slavery from his wife, and she was similarly separated from her first husband and that under these conditions they contracted marriage in the State of Texas while the war was going on. It is not considered that the strict meaning of the laws of marriage are applicable to people as the applicant and his wife at that time, and it is believed at present that the marriage contracted by him and his wife, Margaret, during the war and maintained continuously from that time until now is a valid marriage, and that these children should be considered the lawful children of the applicant and his wife and that they should enjoy, in the absence of any testimony to the contrary, all the rights that may be finally established for the applicant himself.

SUPPLEMENTAL INTERROGATORIES by Com'r Breckinridge. The APPLICANT recalled:

- Q Are these children all the children of your wife, Margaret?
A Yes, sir.
Q How many of them were born in Texas, any of them? A The oldest one was born in Texas before we left.
A Frank? A Yes, sir.
Q And then Frank is older than you think he is? A That is what I call him, what I think he is.
Q But he was born in Texas? A Yes, sir.
Q Did Frank come with you and your wife? A Yes, sir.
Q Come with you over to Barron Park? A Yes, sir.
Q Now, these other children were they all born in the Cherokee Nation? A Yes, sir.
Q Have they always lived in the Cherokee Nation? A Yes, sir.

Mr. Dawmont: The representatives of the Cherokee Nation protest against the enrollment of his wife, Margaret, for the reason that Cherokee card #422 gives the testimony of Nancy Gunter in full, who was alleged to have been the owner of the wife of the applicant at the time the war broke out; which testimony shows the continued residence of Nancy Gunter in the State of Arkansas for years up to and including the date of the giving of the testimony which was on the 25th day of September, 1900.

J. O. Rosson, being first duly sworn, stated that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson
Subscribed and sworn to before me this 21st day of June, 1901.

Signed, J. H. Needles,
Commissioner.

Supplemental: Cherokee Freedman Hospital Act.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 11, 1901.

In the matter of the application of Robert Webster for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:
Depositions.

By Willeto, of Dallas, a sworn agent for applicants:

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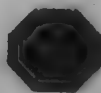
COMMISSION TO THE UNITED STATES
DEPARTMENT OF THE INTERIOR

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Mr. Hastings, for the purpose of the hearing.

- Q Give me your name? A Robert Webber.
- Q How old are you? A 36.
- Q Are you the husband of Margaret Webber? A Yes sir.
- Q You applied here a few days ago? A Yes sir.
- Q By Mr. Hastings: How long have you been in the country?
- Q Did you give up your name? A Robert Webber.
- Q Did you belong to any Webber at the time the war came on?
- Q Yes sir.
- Q You know Jim Little at Vinita? A Yes sir.
- Q Did you know him before the war? A No sir.
- Q Did you know him father, Daniel Little before the war? A No sir.
- Q When did you become acquainted with Daniel Little? A After I was taken prisoner.
- Q Who brought you back to this country? A I came with Mr. Gunter.
- Q As far as this place?
- Q Mr. Little:
- Q What Gunter was that? A Galdean Gunter.
- Q By Mr. Hastings:
- Q Where did Galdean Gunter live? A He lived up there at Siloam Springs, I guess that's the place.
- Q Arkansas? A Yes sir.
- Q You never belonged to Daniel Little before the war? A No sir.
- Q You never returned with him after the war? A No sir.
- Q Did you ever work for him? A I worked for him a little while.
- Q Before or after the war? A After the war.
- Q How long after the war? A In the spring of '65.

CORRECTION



The preceding document(s) has been refilmed
to assure legibility and its image appears
immediately hereafter.

Mr. Hastings, for the Cherokee Nation.

- Q Give me your name name? A Robert Webber.
- Q How old are you? A 85.
- Q Are you the husband of Margaret Webber? A Yes sir.
- Q You applied here a few days ago? A Yes sir.
- Q By Mr. Hastings:
- Q Who did you give as your father? A Old May Webber.
- Q Did you belong to May Webber at the time the war come up?
- Q Yes sir.
- Q You know Jim Little at Kinta? A Yes sir.
- Q Did you know him before the war? A No sir.
- Q Did you know his father, Daniel Little before the war? A No sir.
- Q When did you become acquainted with Daniel Little? A After I was taken prisoner.
- Q Where brought you back to this country? A I came with Mr. Gentry.
- Q As far as this place.
- Q Mr. Little?
- Q That Gentry was there? A Golden Hunter.
- Q By Mr. Hastings:
- Q Where did Golden Hunter live? A He lived up there at Silcox Springs, I guess that's the place.
- Q Arkansas? A Yes sir.
- Q You never belonged to Daniel Little before the war? A No sir.
- Q You never returned with him after the war? A No sir.
- Q Did you ever work for him? A I worked for him a little while before or after the war? A After the war.
- Q How long after the war? A In the spring of '88.
- Q Jim Little was at home at that time? A Yes sir.
- Q And he knows about it? A Yes sir.
- Q By Mr. Hastings:
- Q How close to the line did you come with old Sam Gentry? A It couldn't have been more than a mile, I guess from his house to the line.
- Q Silcox Springs is right on the Cherokee line? A Yes sir.
- Q Is Golden Hunter the father of John Hunter here at Kinta?
- Q Yes sir.
- Q John Gentry is a recognized citizen of the Cherokee Nation?
- Q Yes sir. They say they has recognized him; he told me he was admitted to, and one of his sisters.
- Q By Mr. Hastings:
- Q Was admitted? A Yes, sir, at this court.

Com'r Breckinridge: This will be added as additional testimony to freedom doubtful and 250.

Mr. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

subscribed and sworn to before me this June 30, 1901.

Signed, J. B. Needles,

Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Sworn to and subscribed before me this 30th day of June, 1901.

[Signature]

Commissioner.

COMMISSION TO THE CIVILIZED TRIBES
FILED

JUN 19 1901

Commissioner of the Interior
Washington, D.C., June 10, 1901

In the matter of the application of the applicant for admission
as a Cherokee Freedman.
Re: Applicant, being only a minor child of a Cherokee Freedman,
testified as follows:

Q What is your name? A Sam Webb.
Q How old are you? A 20 years old.
Q What is your home address? A Cherokee, N.C.
Q What district do you live in? A Cherokee District.
Q You claim to be entitled to Cherokee Freedman status? A Yes, sir.
Q Who do you want to enroll besides yourself? A No one.
Q What is your father's name? A Sam Webb.
Q Is your name on the roll of 1880? A Yes, sir.
Q Where and the other roll.
Q What is your mother's name? A Yes, sir.
Q Are you married? A Yes, sir.
Q Got any children? A Yes, sir, they are deceased, when
Q You don't enroll for them? A Yes, sir.
Q Go with their mother, the in a hospital.
Q Where were you born? A Yes, sir.
Q Cherokee Nation, do you mean? A Yes, sir.
Q Have there all your life? A Yes, sir.
Q The 1880 census roll of Cherokee Freedman examined.
Q And the adjacent roll of the same Freedman examined, and the
Q The 1880 census roll of the same Freedman examined, and the
Q Applicant not identified thereon, and the adjacent identified
Q The Kern-Clifton roll examined, and the adjacent identified
Q Thereon, age 181, No. 424, do you mean? A Yes, sir.
Q Wallace roll examined and the adjacent identified thereon.

Department of the Interior,
Commission to the Five Civilized Tribes,
Shalasa, I.T., June 19, 1901.

In the matter of the application of Sam Webber for enrollment as a Cherokee Freedman.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Sam Webber.
Q How old are you? A 30 years old.
Q What is your post office? A Hayden.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A No one.
Q What is your father's name? A Bob Webber.
Q Is your name on the roll of 1890? A No, sir, it is on the Wallace and the Clifton roll.
Q What is your mother's name? A Margaret Webber.
Q Are you married? A Yes, sir.
Q Got any children? A Yes, sir, two.
Q You don't apply for them? A No, sir, they are Delawares, they go with their mother, she is a Delaware.
Q Where were you born? A I was born in Lightning Creek in the Cherokee Nation, Coowescoowee district.
Q Lived there all your life? A Yes, sir.

The 1890 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1893 census roll of Cherokee Freedmen examined, and the applicant not identified thereon.

The Kern-Clifton roll examined, and the applicant identified thereon, page 181, No. 4434, Coowescoowee district;

Wallace roll examined and the applicant identified thereon, page 150, No. 3122, Coowescoowee district, as Samuel Webber.

Commissioner: Sam Webber applies for the enrollment of himself. He avers that he is the son of Robert and Margaret Webber, who are listed for enrollment as Cherokee Freedmen on D card 630, and the testimony taken in said case will be made part of the testimony in this case and a copy thereof filed herewith. He makes satisfactory proof as to residence, and is duly identified upon the Kern-Clifton and Wallace rolls. His name is not found upon the rolls of 1890 or the census roll of 1893. Now the said Sam Webber will be listed for enrollment as a Cherokee Freedman on what is known as a doubtful card. He will be duly notified by mail of the decision in his case when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 19th of June, 1901.

Commissioner.

OF 2663

Proof of Service made
and original filed with the
DAWES COMMISSION.

SEP 28 1901

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SEP 20 1901

NOTICE!

IN THE MATTER OF the application of

Sam Webber

for enrollment as Cherokee Freedmen:

Case No. F. D.

663

To

Sam Webber Hayden, Jr.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita* Indian Territory, on *Oct 14 1901* or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *SEP 20 1901*

L B Bell


W. W. Hastings

J. D. Davenport

Attorneys for the Cherokee Nation.

Commissioner.

Subscribed and sworn to before me this October 19th, 1901.


Commissioner

notes thereof.

Foregoing is a true and complete transcript of his stenographic
recorded the testimony and proceedings in this case; and that the
report to the Commission to the Five Civilized Tribes and that the
1. O. K. Mason, being first duly sworn, states that as avenge-

ACTING C

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THE FIVE CIVILIZED TRIBES

FILED

OCT 21 1901

Minno.

File with case of Sam Webber, C.F.-D.#663.

Supl. C.F.-D.#630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 14th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER, et al., as Cherokee Freedmen, introduced in part
of Cherokee Nation.

APPEARANCES:

Mr. Smith of Counsel for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

ELIZA CHANDLER, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Eliza Chandler.

Q Where do you live, Mrs. Chandler? A In Vinita.

Q How old are you? A 54.

Q Where were you living at the breaking out of the war?

A Arkansas.

Q Did you leave the State of Arkansas during the war and your
family? A Yes, sir.

Q Your father, what was his first name? A Calbine Guster.

Q Did your father and any slaves at the breaking out of the war?

A Yes, sir.

Q Do you know whether or not he owned a woman by the name of Mar-
garet? A Yes, sir.

Q Do you know who she afterwards married and lived with as his
wife? A Yes, sir.

Q Whom did she live with Mrs. Chandler? A Bob Webber, he goes
by that name.

Q Do you know what became of Margaret during the war? A Yes, sir.

Q Where did she go? A We carried her to Texas with us.

Q Well, after the close of the war what became of her? A We
brought her back to Arkansas.

Q You got back to Arkansas in what year? A In '65.

Q How long did she live with you after you got back to Arkansas,
that is, did she live there at all? A She only stayed a little

while; they moved up on Butler's creek.

Q Butler's creek, Territory or Arkansas? A Arkansas, at Mr.
Tittles.

Q Do you know what Mr. Tittles' first name was? A Dan.

Q Did you know Bob Webber before the war? A No, sir, I first
saw him in Texas.

Q And he came down there while you were in Texas? A Yes, sir.

Q Did he come back with you and your family? A Yes, sir.

Q Was he with Margaret when they moved up on Butler's creek in
Arkansas? A Yes, sir.

Q About what year was that they moved up on Butler's creek at Dan
Tittles in Arkansas? A It was in the winter of '65.

Q Now, Margaret as I understand was owned by your father at the
breaking out of the war? A Yes, sir.

Q You don't know of your own knowledge she owned Bob? A No, sir.

Q Was your father and your mother a citizen of the Cherokee Nation
at that time, or any of your family? A No, sir.

Q They weren't citizens when they returned from the south, were
they? A No, sir.

MR. SMITH: Mrs. Chandler, your mother was a Cherokee Indian
was she not? A Yes, sir.

Q She was readmitted to citizenship here I understood you to say
here in another case? A Yes, sir.

Q Well, do you remember what month you returned to Arkansas in 1865? A I think it was in November, I won't be positive.

Q Not sure? A No, sir.

Q Well, none of your family owned Robert Webber? A No, sir.

Q Did you know anything about him before the war? A No, sir, did not.

Q You say after the war he was married to a woman named Margaret?

A It was in time of the war that they came to our house in Texas.

Q Well, then when you took Robert Webber and Margaret to Arkansas they were still husband and wife there, were they? A Yes, sir, after we came back.

Q Now, you don't remember the month that they went up on this Butler creek, you are speaking about? A No, sir, they went that winter some time.

Q You mean the winter in the year you returned? A Yes, sir.

Q That was in '65? A Yes.

Q How far from that place where they went to from where you lived?

A About 25 miles.

Q How far did you live from the Cherokee Nation? A I guess it was about two miles and a half.

Q Lived right on the line? A Yes, sir.

Q You don't know of your own knowledge where Robert Webber was during the year 1866? A Well, he made a crop up there on Butler's creek and then he moved back that summer down to Pa's, and then he come down here in the Nation, or said he was coming and left his family there at our place until in the fall and then he come back and moved them down in the Nation, I reckon. I have seen her here since I have been in the Nation.

Q Well, at the time you came back with these people from Texas the war was over? A Yes, sir.

Q They were free then? A Yes, sir.

Q They could go wherever they wanted to? A Yes, sir.

Q And they were only two miles and a half from where you lived to the Cherokee Nation line? A Yes, sir.

Q Now, you can't state of your own knowledge either when Robert Webber or his wife first came into the Cherokee Nation after the war was over? A No, sir, I would not try to state.

JOHN T. GUNTER, being duly sworn by Commissioner Needles, testified as follows in part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John T. Gunter.

Q Where do you live, Mr. Gunter? A Live in Vinita, Indian Territory.

Q How old are you? A 46.

Q Where were you living at the time war broke out? A Living in Benton County, Arkansas.

Q Your father's name was Galdine Gunter? A Yes, sir.

Q Did your father own a slave, a woman, at that time by the name of Margaret? A Yes, sir.

Q Do you know whether or not she was married before the breaking out of the war? A Yes, sir, she had a man named Adam.

Q What became of Margaret during the war, if you know, Mr. Gunter?

A My father took her to Texas.

Q How long did she stay there? A Until 1865 when he returned to Arkansas.

Q Did you have her and the fellow by the name of Bob Webber?

A Yes, sir.

Q Did he and Margaret live together as man and wife? A Yes, sir.

Q Where did you first see Webber? A Hopkins County, Texas.

Q How long did he stay there? A He stayed there until '65, drove a team back for my father.

Q To what point did you come? A Benton County, Arkansas.

Q Were your family citizens of the Cherokee Nation at that time?
A No, sir.

Q Were they citizens of the Cherokee Nation at the breaking out of the war? A No, sir.

Q Well, after they came back to Benton County, Arkansas, what became of Margaret and Bob, if you know? A They left my father's house and went to Des Cailles near Sulphur Springs.

Q That place? A Benton County, Arkansas.

Q Do you know how long they stayed there? A They went there in the winter of '55 and stayed until the fall of '56, made a crop at Des Cailles; I don't know whether they made a crop or not.

Q Well, what became of them then? A Along in the fall Bob came back to my father's and he and Uncle Dan had fell out and he wanted to move back and my father had a little old smoke house and fixed that up for them and moved his family there, and stayed there that winter, he went away and was gone quite a while, I don't know where he was, here in the Territory somewhere he said he was going.

Q That was the winter of '56? A Yes, sir.

Q That took place after that? A In the spring of '57, he moved his family here.

Q Do you know who Bob belonged to before the breaking out of the war? A No, sir.

Q You don't know anything about him, about as to who he belonged? A Only what he told me, he said he belonged to the Webbers.

Q Margaret belonged to your father? A Yes, sir.

MR. SMITH: What Webber did he say he belonged to? A I don't know.

Q Was there an Akey webber? A I don't know of her.

Q You weren't acquainted with her? A No, sir.

Q You weren't in the Cherokee Nation before the war? A No, sir.

Q Didn't live here? A No, sir.

Q Now, you say, Mr. Gunter, Bob Webber, this applicant moved his family into the Territory in the spring of '57? A Yes, sir, in the spring of '57.

Q Well, now, can you state the month? A No, sir, but it was some time early in the spring.

Q You can't be positive as to the month? A No, sir.

Q Was it as early as first of the year, '57? A No, sir, grass was up, cattle was grazing on the grass, and the reason I can remember it, my father made Margaret a present of a cow and a calf, and sent me out to drive her up and got her out of the grass; it was a young calf, he took them with him.

Q Robert Webber had made preparations to made to the Cherokee Nation before that? A I think he went to George Beach's on Berry Farm before that.

Q That was in the winter of '55? A Yes, sir, at least he was gone quite a while.

Q That is where he said he was going? A That is where he said he was going.

Q Well, your father and your mother and children were all admitted to citizenship here after the war? A Yes, sir.

Q That was in what year? A 1860.

Q This woman, Margaret, that used to belong to your father was this man's wife? A Yes, sir, lived with her.

Q This man you speak of her having been with that was in slavery times? A Yes, sir.

Q What became of Adams? A He went to Kansas I was told.

Q Who did Adams belong to? A Belonged to my father.

Q Why didn't he go with your father? A He went away before we refugees.

Q Was he sold? A No, sir, in '62 when the army came down there was a number of our slaves went away and some of them returned and some of them didn't, there is one of them here in the Territory.

Q Was he sold? A No, sir, in '62 when the army came down there was a number of our slaves went away and some of them returned and some of them didn't, there is one of them here in the Territory.

Q Well, this man Adam that you speak of and Margaret, they were just simply living together under the fashion of slaves at that time?

A Yes, sir.

Q No marriage about it? A No, sir.

Q They were separated from each other by the exigencies of war?

A Yes, sir.

Q You never heard of Adam afterwards? A Yes, sir, I have heard of him.

Q You never seen him? A No, sir.

Q Do you know how Robert came down to Texas? A Yes, sir, I know how he came to Hopkins County, he came with Ben Tittles and Jim.

Q Do you know whether the Pin Indians ever got him or not? A No, sir.

Q Did you ever hear? A No, sir, I heard Ben Tittles bought him and took him to Texas, the Pin Indians didn't come that way.

Q Do you know whether he was ever captured from the Pin Indians by anybody? A Never heard of it.

Q All you know about Robert we hear is that he came to Texas?

A No, sir.

Q Mr. Gunter, your mother was a Cherokee by blood? A Yes, sir.

Q And you say she was brought up in the Cherokee Nation?

A Yes, sir, she was born and raised in the Cherokee Nation.

Q Was she in the Cherokee Nation when she married? A Married just across the line.

Q Living in the Cherokee Nation when she married? A Yes, sir.

Q And when she married your father went across the line of Arkansas to live? A Yes, sir.

Q During the time of the war did she claim to be a Cherokee Indian?

A Yes, sir.

Q Draw money? A Drew money in '53 I believe it was.

Q What money was that? A Old settler money.

Q Did she exercise any other rights or did any of your family before the war? A No, sir.

Q You didn't live in the Cherokee Nation? A No, sir, never except her mother and brothers and sisters, none of our immediate family.

Q But in the year 1880 she was formally admitted by an Act of the Council? A Yes, sir, Court created by the Council.

Q Mr. Gunter, can you state whether there were many or few of these Acts of Admission? A Admitting people to citizenship?

Q Yes? A Yes, sir, there were a great many.

Q They were applied for in favor of persons living in the Nation and claiming to be citizens? A Yes, living out and wanted to return, that is, had been citizens at one time and moved out and forfeited their citizenship; they applied to the Council for readmission. My mother being residing in the Territory and going out she forfeited her citizenship.

Q That is she stated she had forfeited it, you don't know whether she forfeited or not? A That is her understanding.

MR. DAVENPORT: What brought up the question of their applying to the Council, Mr. Gunter, if you know? A It was the understanding of the laws and constitution of the Cherokee Nation.

Q If they expected to participate in the benefits of the Cherokee Nation, they must be readmitted? A Yes, sir.

Q Your father was not a citizen of the Cherokee Nation?

A No, sir.

MR. NEEDLES: What was your father's property was your mother's?

A I don't know.

Com'r Needles: This testimony will be made part of the record at bar and made part of the record in D-4683, D-4684, D-4691, and D-4690.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 19th, 1901.

[Signature]

Commissioner

VALLEY PAPERS

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A. D. Hanson, being first duly sworn, states that as stenographer to the Commission to the Civilized Tribes he has personally recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. A. Hanson

Subscribed and sworn to before me this November 2nd, 1901.

[Signature]

Commissioner

File with case of Sam Webber, C.F.-D #663.

Supl.C.F.-D #630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VANITA, I.T., OCTOBER 19th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER as a Cherokee Freedman: Introduced on part of the
Cherokee Nation.

APPEARANCES:

Mellette & Smith, Attorneys for applicant;
Mr. Davenport, of Council for Cherokee Nation.

J. M. TITTLE, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A. J. M. Tittle.

Q What is your post office? A Vanita.

Q How old are you? A 55

Q Do you know Robert Webber, the applicant in this case?

A Yes, sir.

Q How long have you known him? A Ever since about '63, '62 or '3

Q Did he ever be long to any of your family? A He belonged to
my father.

Q Where did your father live? A He lived in Benton County, Ark-
ansas.

Q Did your father move away from Benton County, Arkansas?

A No, sir.

Q Did they go south during the war any of your family, or do you
know? A My family stayed there, but we went south.

Q Well, what became of Bob during the war, if you know?

A We taken him south.

Q Well, did he come back? A Yes, sir.

Q Where did he go to? A Came up to our place.

Q Where was that? A In Benton County, Arkansas.

Q How long did he stay there with you? A He come there in the
fall of '68 and stayed until the fall of '68.

Q At that time where was your family residing? A In Benton
County, Arkansas.

Q How long had they been residing in Arkansas? A About 15 years.

Q Were they or were they not recognized citizens of the Cherokee
Nation? A Not then, we was outside of the Cherokee Nation then.

Q Well after the close of the war you returned back to
your old home place in Benton County, Arkansas? A Yes, sir.

Q Did you ever move back to the Cherokee Nation? A Yes, sir.

Q What year did you move back? A In 1874.

Q Were they recognized citizens of the Cherokee Nation? A Yes, there
some acting taken to the Cherokee Nation. A Yes, sir.

Q Was it your father had the Cherokee blood or mother? A Mother.

CON'R FREDERICK: She was re-admitted in 1872? A Yes, sir.

MR. DAVENPORT: Did your father marry again? A Yes, sir;

he married and went out and came back and married again.

Q Do you mean he was married twice according to the laws of the
Cherokee Nation? A He married and went out and came back and mar-
ried again.

MR. FREDERICK: Where did your father marry first? A In the
Cherokee Nation.

Q Married according to the Cherokee laws then? A Yes, sir.

Q Now, what year was that? A That was, that would be in '55 I
guess it would be.

Q About 1855? A About 15 years ago, I would have to count it

up; it was in '46.

Q He was in this Cherokee Nation, Indian Territory? A Yes, sir.

Q Now, then, when he married he was a citizen? A Yes, sir.

Q How long did he continue to live in the Cherokee Nation?

A He lived there when I was about five years old; let's see, married in '46, that would be, I think we left there in '52.

Q Where did you go? A First went to Texas and stayed there a while and came back to the Cherokee Nation and stayed until after the old Settler payment and went to Arkansas; we drew money in the old settler payment.

Q Your family all drew money in the old Settler's payment?

A Yes, sir.

Q In what year was that? A I think that was in '58, '1 or '2.

Q How long after that was it before you went into Arkansas?

A Right away after that.

Q How many years? A Oh, I guess probably inside of a year or such matter.

Q Where did you live in Arkansas? A Benton County.

Q How far from the line? A What line, Arkansas line or Missouri line.

Q The Cherokee Nation line? A It was about ten miles from Cherokee line up three miles from Missouri line.

Q What was your father's name? A Dan Fittle.

Q Who did your father get this man from? A Fellow by the name of John Grinnett.

Q When did he get him? A About '62.

Q Where did he get him from? A Down here about Haysville.

Q Who is Grinnett? A He is said to be the one of '62, who he bought him from.

Q Where did Grinnett live? A He lived down there in the Nation somewhere.

Q He was a Cherokee, Grinnett was? A I don't know whether he was or not.

Q Did you ever know Grinnetts? A No, sir.

Q Well, do you know what date it was that he bought this man?

A I think it was in '62 I think.

Q It was after the war had commenced? A Yes, sir.

Q It might have been in '60? A It was in '62. Somewhere along there as well as I remember about it.

Q You think it could not have been as late as 1864? A No, for we had him before he was bought, and we kept him there and went down on the Arkansas river and come back there and found Grinnett and bought him.

Q It was either in '60 or '5 your father bought him? A Yes, sir.

Q He had been captured and taken there? A Yes, sir, went down there and come back and he bought him.

Q Do you know who he had been captured from? A Only what he said; he said he belonged to as well as I remember, he belonged to Mrs.

Webber, and Mrs. Grinnett was daughter of Mr. Webber.

Q What was Webber's name? A I don't know.

Q Did you ever know Mr. Webber? A No, sir.

Q After Webber was a citizen of the Cherokee Nation when the war came up? A I don't know.

Q Now, you claim that your father owned this man in '62 or '61?

A Yes, sir.

Q Where did he own him? A Benton County, Arkansas.

Q Who lived near him when he owned him? A In the settlement near.

Q Yes. A The nearest fellow in the neighborhood was a man by the name of Baker, and James.

Q Are they living there now? A I guess they are all dead now.

Q Now, didn't you know that your father owned this man?

A Yes, sir.

Q And, I will mention, either at Haysville, Arkansas, and

Eph Thompson that lived on Butler's creek where I lived, he is living there yet.

Q How long do you claim this man Robert Webber was with your father from the time you say your father bought him? A He must have been with him including the time we left, three or four years.

Q What time you say he left your father? A He left him in the fall of '86.

Q Well, it was a man named Grinnett that your father undertook to buy him from? A That is the man he bought him from.

Q After the man had been captured and taken out of the Indian Territory? A Yes, sir.

Q And you don't know what right Grinnett had for selling if he had any? A No, sir, claimed he sold him.

COM'R NEEDLES: Ag I understand your father before that was a citizen of the Cherokee Nation? A Yes, sir.

Q And when did he come back to the Cherokee Nation?

A He come back in '87.

Q And was re-admitted? A Yes, sir.

Q And this darkey was not with him then? A No, sir.

MR. SMITH: Now, Mr. Tittle, you lived in Arkansas after you went out after the old settler payment; what property did your father have back in the Cherokee Nation? A He didn't have any when he lived there; he killed a man and they kept hunting him.

COM'R NEEDLES: He refuged over there? A Yes, sir, he stood his trial and come clear.

Q Where did he stand his trial? A Right on the line right close to High Cove at that time.

Q In the Cherokee Nation? A In the State.

Q He killed a man in the State? A Killed an Indian in the State and tried him right at the place he killed him.

Q When he killed the Indian he was living in the Cherokee Nation?

A No, sir, he was living in the State; right within a quarter of where he killed him; but I had been born in the Nation.

MR. SMITH: What Court did they try him in in the State of Arkansas? A Arkansas Court.

Q What Court? A Courts from Bentonville come down there and tried him.

Q Tried him in Bentonville? A No, sir.

Q They had to have a Court there? A I don't know; they tried him at Cal Gunter's right on the edge of Lindsey's prairie.

Q It is the regular Circuit Court in Benton County, Arkansas, tried him? A I could not tell you; they come there and tried him.

Q What did they try him in? A Tried him in Cal Gunter's house.

Q You don't claim that it was a Court of the State of Arkansas?

A Yes, sir.

Q Come down to Cal Gunter's house? A Yes, sir.

Q They were very accommodating at that time?

A I can't tell you anything about that; that was where he was tried.

Q Well, now, during all that time he claimed to be a citizen of the Cherokee nation? A He was not at that time was tried because

he was living in the State of Arkansas.

Q That didn't keep him from being a citizen because he was not living in the Cherokee Nation? A He was not a citizen at that time.

MR. DAVENPORT: This was a trial before a Justice of the Peace?

A I don't know; they had a trial and he come clear; I was a small boy, about five years old, there was about three hundred men with him and the Indians had gathered five or six hundred with them; and he was tried right there at the time.

COM'R NEEDLES: This will be made part of the record in the case at 427, and also B-628, B-663, B-661, B-680.

EXHIBIT A

J. O. Mason, being first duly sworn, states that as stenographer to the Commission to the New Divided States he furnished referred the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Mason

Subscribed and sworn to before me this November 28th, 1901.

[Signature]

Commissioner

EXHIBIT B

Cher Fr D 664

Cher Fr D 664

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHICKASAW, I.T., JUNE 10th, 1901.

In the matter of the application of Jim Landrum for the enrollment of himself, wife and five children as Cherokee Freedmen; said Landrum being sworn and examined by Commissioner C. B. Breckinridge, testified as follows:

APPEARANCES:

Messrs. Mallette & Smith, for Applicants.
Mr. J. S. Davenport, for Cherokee Nation.

- Q Give me your full name. A Jim Landrum.
Q How old are you? A I am between 33 and 34.
Q What is your post office? A Vinita.
Q In what district do you live? A Cowwessaw.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Yes, sir.
Q How many children have you? A I have ten children but some of them will have to apply for themselves.
Q How many have you got that are under 21 years of age?
A Five.
Q Are these five all unmarried? A Yes, sir.
Q And are they all living now? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q Do you want to apply for her? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Pretty near all my life.
Q What part of your life were you not in the Nation?
A At the time of the war.
Q You lived in the Cherokee Nation then all your life except during the war? A Pretty much.
Q Been out some? A Yes, sir, I was in the army three years.
Q Since the Civil war closed? A Yes, sir, in the late war.
Q How long have you been in this Spanish war? A No, sir.
Q What do you call the late war? A At the time.
Q The North and South fought? A Yes, sir.
Q Have you been in the Cherokee Nation all your life except at the time you were out when the North and South fought?
A I stopped in Kansas when I was mustered, in the army.
Q Were you a slave in the Cherokee when the war broke out?
A Yes, sir.
Q To whom did you belong? A Belonged to a man by the name of Aaron Landrum.
Q Was he a well known citizens of the Cherokee Nation?
A Yes, sir.
Q Where did he live? A He died on Cabin Creek south of Vinita.
Q Did he live there before the war? A Yes, sir.
Q Give me the name of your father? A George Landrum.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee Freedman? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q In the Nation? A Yes, sir.
Q Give me the name of your mother? A Margaret Landrum.
Q Is she dead? A Yes, sir.
Q How long has your father been dead? A He has been dead about 18 years.
Q How long has your mother been dead? A Been dead about 35 years.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Give me the name of your wife? A Margaret Landrum.
Q Does she claim to be a Cherokee Freedman of her own right?
A Yes, sir.
Q How old is she? A She is 31.
Q When were you and she married? A We was married the first winter of the closing of the war.

Jim Landrum, et al.--2.

- Q Were were you married? A Married in Kansas.
Q To whom did she belong when the war broke out? A She belonged to a man by the name of woman by the name of Eliza Wright.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Where did she live? A She was a daughter of Judge Martin and lived down here on Grand river at the Green Brier place.
Q Were you ever married before you married this woman? A No, sir.
Q Had she ever married before she married you? A No, sir.
Q Give me the names of those five children? A Fessie Landrum.
Q How old is that child? A Twenty.
Q The next child? A John Landrum.
Q How old is he? A 18.
Q The next child? A Jim Landrum.
Q Jim, Jr., isn't it, you the little old man? A Yes, sir.
Q How old is your boy Jim? A 18.
Q The next child? A Barbara.
Q How old is Barbara? A Ten.
Q The next child? A Nelson.
Q How old is Nelson? A Eight, will be in July.
Q Are you on the 1880 roll? A I ought to be.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his wife not found thereon.

The 1886 Census roll of Freedmen of the Cherokee Nation examined and names of applicant's name not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 153, #3785, James Landrum, Cooweescoowee District.
Page 153, #3795, Margaret Landrum, Cooweescoowee District.
Page 153, #3789, Jessie Landrum, Cooweescoowee District.
Page 153, #3791, John Landrum, Cooweescoowee District.
Page 153, #3792, James Landrum, Cooweescoowee District.
Page 153, #3794, Nelson Landrum, Cooweescoowee District.

- Q Now names you didn't get money for Barbara? A I did get money for her.

Page 153, #3793, Emma Landrum, Cooweescoowee District.

- Q Did you ever call that child Emma? A Sometimes.
Q Well is Emma really a part of her name? A Her right name is Barbara, we call her Emma sometimes for a nickname.
Q Now, how comes it that neither you nor your wife are on the roll of 1880? A I don't know, sir.
Q You applied didn't you? A Yes, sir.
Q And what did they say to you, what did they do to you?
A Well, when they made that '80 roll my father told me to work on the place and he would put all of us children on.
Q Is your father himself on there? A Yes, sir, I think he is.

The 1880 Authenticated Roll of Cherokee Freedmen examined and name of applicant's father found thereon, page 445, #463, George Landrum, Baldpate District.

- Q Caroline, who is that? A That's my stepmother.
Q Who is Daniel? A My brother.
Q Your half brother? A Yes, sir.
Q Who is Daniel? A That is my brother.
Q Full brother? A Yes, sir.
Q Herman, is he your brother? A Yes, sir.
Q Full brother? A Half brother.
Q Now, you were in the war during the war?
A Yes, sir.

Jim Landrum, et al.--3.

Q Where were you disbanded, where were you mustered out?
A Fort Leavenworth, Kansas.
Q How long did you stay up there after you were mustered out?
A We was mustered out, it was in '66, and then I come home and
looked my people up and found them and then during that Christmas
after I was discharged I come on down to the Nation, I didn't stay
in Kansas very long.
Q You got married in Kansas? A No, sir, I didn't marry when I
come down here.
Q You married in Kansas? A Yes, sir, I went back and married then.
Q What year was it you married in? A It was.
Q How long after you were mustered out? A The next spring.
Q You were married in 1866; married the next spring?
A Yes, sir.
Q You didn't mean '66 you mean '66? A Yes, somewhere along there
I can't remember good.
Q You say you were a slave in '66? A Yes, sir.
Q Let us understand now just what you mean; you were mustered out
in '66 at Leavenworth were you?
A I don't know whether it was '66; I was mustered out the same time
Allen Lynch was mustered out.
Q When were you mustered out? A First Kansas Colored.
Q What company were you in? A I was in Company B.
Q Well you were mustered out, what time of the year were you must-
tered out? A Along, it was getting late in the fall.
Q Well, how long after you were mustered out was it before you came
South? A That same winter.
Q You come down you say to look up your people? A No, my peo-
ple lived in Kansas, I come down here to locate a place.
Q Had you heard of the treaty when you came down? A Yes, that
was the talk of the crowd I came with, all came together.
Q You heard of the treaty having been passed? A Yes, sir.
Q What time was it in the winter you came down?
A Just a little before Christmas.
Q A little before Christmas? A Yes, sir.
Q Where did you go? A Come down here in the Nation.
Q Well did you pick out a place? A We stopped at the place after
I got down here.
Q Well you hadn't married at that time?
A No, sir.
Q Well, when did you go back to Kansas? A That spring.
Q And when did you marry? A That spring after I went home.
Q Married pretty soon after you got back there? A Yes, sir.
Q You say when you went home, you mean when you went to Kansas?
A Yes, sir.
Q How long did you stay in Kansas after you married?
A I didn't stay any time for I went back to Kansas and married
and left my wife up there and come back again.
Q Well, what did you do, make a place? A Why I lived on a man's
place, not mine.
Q Well how long did you keep that up before you went back and got
your wife? A Quite a while.
Q Well, two or three years, four years? A No, it would not be
that long.
Q Well how long? A About a year.
Q And then you went back to Kansas and got your wife?
A Yes, sir.
Q And then you brought her down to the Nation?
A Yes, sir.
Q Had you any children at the time you brought your wife down to
the Nation? A No, sir.
Q You have some children that are old enough to apply for them-
selves? A Yes, sir.
Q Were any of them born in Kansas? A No, sir.
Q Were all of them born in the Cherokee Nation?
A Yes, sir.

Jim Landrum, et al.--4.

Q Well, when you brought your wife down that time did she consent to make her home here with him? A Yes, sir.

Q Has she made her home here ever since? A Yes, sir.

Q Well, when you came down from Kansas who came with you the first time you came? A Arch Landrum.

Q Did any of your family come with you? A No, sir, I wasn't married then.

Q I am talking about your father and mother? A I came before my father did.

Q Well, how about your brothers? A I came before any of them did.

BY MR. DAVENPORT:

Q You had children born when the 1880 roll was made didn't you, Jim? A I ain't got any learning, I don't know when the '80 roll was made.

Q It didn't take learning to know whether you have got a child 20 years old or not now? A I don't know.

Q Have you or not got children that are more than 20 years of age? A Yes, sir.

Q Where were you living when the 1880 roll was made? A Living here on Grand river.

Q What place on Grand river? A Below Tan Yard.

Q At what place? A I had no post office then.

Q Had no post office on Grand river in 1880? A Had no post office when I came.

Q I ain't asking you about when you came, I am asking you about 1880? A All the post office I know of then it was a, about Tih-low's.

Q That was in 1880? A I don't know when it was.

Q Where was it you were living in 1880? A Down about Tan Yard.

Q Where did you live then? A I lived there with him, helped make that place.

Q You and your family lived there with your father in 1880, is that right? A Yes, sir, part of the time.

Q Did you and your family live there with him in 1880? A Not much.

Q Did you live there partly with him? A With him all the time.

Q Well, how long did you live with him? A I don't know.

Q How long did you live in Kansas after you were married? A I didn't live there any time.

Q How long do you think your family stayed there? A I went and got my family, my wife.

Q Did you bring her home as quickly as you married? A Yes, sir.

Q Where was she living at the time you married? A At Tanway.

Q And you left immediately for the Territory? A Yes, sir.

Q Have you lived in Kansas since then? A Same.

Q About how long have you lived in Kansas? A Oh, I don't know, just little bit, lived in Kansas and worked.

Q What place or places have you lived since you married in the State of Kansas? A I haven't lived hardly any in Kansas, I have lived most of the time on Grand river.

Q You say you have lived some in Kansas since you married, I want to know what places you have lived? A When I went back my folks lived there near Neosho, Kansas, my father did.

Q You have got people living at Neosho Falls now? A No, sir.

Q You are not kin to Bill Landrum? A No, sir.

Q Do you know what her husband is named? A Yes, sir.

Q What his name? A July Landrum.

Q He is no relation of yours? A No, sir.

Q Neosho Falls is where he lives isn't it? A I don't know where he lives.

Q Well, have you lived any other place other than the Cherokee Indian and State of Kansas since you were married? A Yes, sir.

Jim Landrum, et al.—3.

Q Where have you lived? A Down here on Grand river.
Q I said other than the Cherokee Nation? A Yes, sir, lived up at Brown's ferry.
Q Have you lived in any other place out of the Cherokee Nation?
A I lived at Gibson.
Q Gibson isn't in Arkansas? A Not sir.
Q Did you apply to the Bob Daniels Court to be admitted, to have your rights established? A Not that I can remember.
Q Did you apply to the Davis Commission in 1896? A Can't remember.
Q You would remember it wouldn't you if you had of done so?
A I don't know whether I would or not.
Q You remember the happening of things very well don't you?
A Sometimes and sometimes don't.
Q What county in Kansas were you married; you said you were married at Turway? (No response.)
Q What County was it Jim? A I don't know; it is in Coffey County or Lime County.
Q What was the county seat? A Burlington.
Q You came back to the Cherokee Nation in what year did you say?
A The winter I was mustered out.
Q What winter were you mustered out? A That is what I can't recollect.
Q You don't know whether it was you were mustered out and don't know when it was you came back to the Cherokee Nation?
A No, sir, it was in the winter I was mustered out.

JOHN LANDRUM, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

BY MR. SMITH, of Counsel for Applicants:

Q State your name. A John Landrum.
Q How old are you? A 89.
Q Where do you live? A On Lightning Creek.
Q What is your post office? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Jim Landrum? A Yes, sir.
Q How long have you known him? A I have known him ever since he was a child, baby.
Q When did you first see him in the Cherokee Nation after the war?
A I saw him in '66, on Grand river to his father's.
Q Who was with him? A Just himself.
Q He and? A His father he was along there with his father.
Q Who did you say Jim was with when you saw him? A He was by himself, just himself.
Q At what point was that? A On the river, Grand river.
Q Well what part of Grand river? A The Island Ford as they call it; Tan Yard Ford, above Island Ford.
Q Did you know him before the war? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q When did he belong to? A Master Landrum.
Q She was a Cherokee citizen? A Yes, sir.
Q Where did she live? A She lived on Cabin Creek.
Q Where is Cabin Creek? A South of Vinita.
Q Where was Jim Landrum when the war commenced? A When the war commenced he was here in the Territory, in the Cherokee Nation up there at home.
Q Do you know where he was during the war of your own knowledge?
A During the war, he was a Soldier during the war.
Q And you first saw him back here in the Cherokee Nation at what time? A It was here in '44, on the Grand river there at his father's.

Jim Landrum, et al.--6.

BY MR. DAVENPORT:

- Q What makes you remember it was in '66? A Because I know it.
- Q Well what year was the Wallace roll made? A I could not tell you.
- Q You were here then? A Yes, sir.
- Q You attended it and was enrolled? A Yes, sir.
- Q What year was the Kern-Clifton roll made? A I don't know.
- Q You were here? A Yes, sir.
- Q Yet don't know? A I ain't got no education.
- Q How do you know '66? A I know it.
- Q How do you ~~you~~ know it? A Everybody knows it.
- Q Some don't know it? A I don't know.
- Q What time of the year was it? A It was in the winter.
- Q Before or after the treaty was made? A What treaty do you mean, treaty of '66?
- Q Yes. A At the time the treaty was made.
- Q You saw him in the winter of '66? A Yes, sir.
- Q And at the time the treaty was made? A Yes, sir.
- Q His father was with him was he? A Yes, sir.
- Q Did his father come back at the same time he did?
- A Yes, sir, of course he did.
- Q Then if he says he come before his father did he is mistaken isn't he? A He come before that time expired and remained; he stayed with Arch Landrum and Lewis Rowe.
- Q And his father didn't come with him at that time? A No, sir.
- Q Well do you know where he married? A Yes, sir.
- Q Where was he married? A It was up in Kansas.
- Q What place do you know? A Place they called Leroy, just the other side of Leroy; I forget the name of the place but I know just exactly, about ten miles the other side of Leroy.
- Q About how long did he live up there after he got married?
- A I don't know, he never stayed up there a great while.
- Q Has he been living near you ever since he come back?
- A No, sir, not near me.
- Q About how far from you? A About 20 miles.
- Q How often have you seen him? A Sometimes about a month or two.
- Q What year was it he married? A I could not tell you; that was away after peace was declared.
- Q '66 was just after peace was declared? A Yes, sir.
- Q You remember that year? A He married the year he mastered out.

BY MR. SMITH:

- Q Why do you remember '66? A How do you remember anything else?
- Q Was there anything particular about '66 or anything else?
- A They said the limit was made for us to come back to our homes.
- Q How did you get that information? A I got it from the people that knew.
- Q The people that knew about it? A Yes, sir.

BY MR. DAVENPORT:

- Q Wasn't the Wallace rolls and Kern-Clifton roll was for a specific purpose as well as the 1866 treaty? A Yes, sir, I guess so.
- Q You can remember them? A No, sir.

BY MR. SMITH:

- Q Where were you when you first heard at this time that the Negroes had to get back to the Cherokee Nation? A I was in Kansas.
- Q You talked about it? A The people was talking about it.
- Q Was anybody sent there to bring the news? A No, sir, they got it by hearsay.
- Q Hearing the people talking about it? A Yes, sir.

Jim Landrum, et al.--7

HARRY STILL, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give your name. A Harry still.
Q How old are you? A 54.
Q What is your post office? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life.
Q You were out during the war weren't you? A Yes, sir.
Q Are you on the roll of 1880? A No, sir, not on the roll of 1880, on a straight card, sir.
Q Do you mean put on one by this Commission? A Yes, sir, at Vinita.

BY MR. SMITH:

Q Do you know this applicant, James Landrum? A Yes, sir.
Q How long have you known him? A About, pretty near 36 years.
Q Did you know him before the war? A No, sir, I didn't know him before the war.
Q You don't know then who he belonged to? A No, sir.
Q When did you first see him in the Cherokee Nation after the war? A It was up pretty near about the first of February when I saw Jim.
Q February what year? A '66 on Grand river.
Q When did you first get back? A I got back in '65 the first trip I made.
Q About what time in '65? A About the last of '65.
Q Now, about what time you think you saw Jim? A About last part of '66.
Q What did you mean by saying it was in February? A It was in the last part of '66.
Q Well was it in '66? A Yes, sir.
Q How long was it from Christmas? A Why it was about the last part of Christmas just after Christmas; when I saw him at his father's.
Q Well, I don't understand you, what did you mean by saying it was February, '66, that is the first part of '66? A Yes, sir, that is the first part; I mean January, the last part of January, '66, it was after Christmas when I saw Jim of '66.
Q After Christmas? A Yes, sir, I mean about Christmas. It might have been the second week in Christmas.
Q Where did you see him first? A At his father's on Grand river..
Q Had you seen him before that? A Yes, sir.
Q Where did you see him? A Saw him in the First Colored Regiment.
Q Where has Jim Landrum been living since the time you saw him at his father's on Grand river? A Sometimes on Lightning Creek, sometimes at his father's and sometimes on Grand river.
Q Well, now, let's see; I don't understand what you mean by the time you first saw him; I don't understand that; do you know the month it was? A No, I don't. It was about the last part of '66 when I saw Jim.
Q Well, about how far from Christmas, do you remember to state whether it was before Christmas or after Christmas?
A It was about that time, I remember I went over there and I saw Jim there and it was about the last part of '66.

BY MR. DAVENPORT:

Q You saw him sometime after Christmas, '66? A Sometime.
Q You don't remember about how long after Christmas it was?
A No, sir, it was about the last part of '66.
Q You thought when you first stated that it was in February, '66?
A I am not positive.
Q Was it a bit February after the Christmas of '66 or not?
A I am not positive.
Q You know anyway it was after Christmas? A It was about the last part of '66.

Jim Landrum, et al.--8.

BY MR. SMITH:

- Q When did you come back to the Cherokee Nation? A I come back in '65 and I got back in the spring of '66, in the fall of '66.
- Q The third trip you made? A In the fall, among there, in October.
- Q About how long was it after you came back the third time until you saw Jim Landrum? A Sometime in December.
- Q About how many months? A I don't know exactly but it was the last part of '66 when I saw him.

COM'R BRACKINRIDGE: The applicant applies for the enrollment of himself, his wife and five children. It appears that the applicant was a slave of a Cherokee citizen and in the Cherokee Nation at the beginning of the Civil War. He is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896. In regard to his return to the Cherokee Nation after the Civil war, the testimony is conflicting. He states that he was a member of the First Kansas Colored Regiment, Company H; 79th U. S.; he defines it as the First Kansas, 79th U. S. Infantry, that he was mustered out with them at Leavenworth. It will be necessary to communicate with the war department to find out when and where that regiment was mustered out and if the applicant's name appears upon the Muster Roll to compare that data with the data now given. There seems to be no question that the applicant has lived in the Cherokee Nation consistently from the time he returned until to-day. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision of the Commission will be made known to him at his post office address. It should be

notes that his father and one or two of his brothers are on the roll of 1880, his mother died about the time of the close of the war and of course his father and brothers may have qualified under the treaty of 1866, without the applicant's having done so. He is now 53 years of age, or thinks he is of that age. As for his wife, Margaret, who is said to be now 51 years of age, it appears that she was in Kansas at the time the applicant first came to the Cherokee Nation and he returned to Kansas sometime after his first visit and there married her, and then brought her to the Nation. It seems that she was a slave of a citizen and in the Cherokee Nation at the time of the breaking out of the civil war and that her first return to the Cherokee Nation after the war was shortly after her marriage to the applicant. She is identified with him on the Kern-Clifton roll and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, but as to her final qualification under the treaty of 1866, the evidence given in regard to her return will have to be carefully compared to that of the applicant himself, as he brought her back a year or more later than his first return. It seems that the applicant nor his wife was never previously married, and that they have lived together ever since their marriage, therefore their marriage seems to be lawful. In view of this fact there appears to be no bar to the enrollment of the five children applied for, provided the status of the applicant himself is satisfactorily established. These five children are identified on the roll of Kern-Clifton roll but not upon the roll of 1880. They are living and they will now be listed for enrollment as Cherokee Freedmen on a doubtful card.

Jim Johnson, et al.,

J. A. Rosen, being first duly sworn, states that as witness
regarding the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and presented it in this case, and that the
recording is a true and complete transcript of his stenographic
notes thereof.

J. A. Rosen

Subscribed and sworn to before me this 20th day of June, 1901.



Commissioner

to be filed with the case of James Landrum, C. F. D. #664.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June, 11th 1901.

In the matter of the application of Selia Kirkpatrick for the enrollment of herself and one child as Cherokee freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Selia Kirkpatrick.
Q How old are you? A. About 50.
Q What is your post office? A Vinita.
Q In what district do you live? A. Delaware
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Do you want to enroll anyone besides yourself? A. Myself and one child.
Q How old is the child? A. She is 11 years old.
Q How long have you lived in the Cherokee Nation? A. Off and on all the time.
Q Were you born in the Cherokee Nation? A. Yes sir.
Q Were you a slave in the Cherokee Nation ~~or~~ before the war broke out? A. Yes sir.
Q Did you belong to a Cherokee master when the war broke out? A. Yes sir.
Q Give me the name of your master? A. Ben Landrum.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Have you been out since the war? A. Been out and in since the war.
Q Have you lived part of the time in and part of the time out since the war? A. I have been out and worked since the war some.
Q Give me the name of your father? A. George Landrum.
Q Is your father dead? A. Yes sir.
Q How long has he been dead? A. I can't say for certain, been dead quite a while.
Q As much as 10 or 12 years? A 13 or 14 years as near as I can get at it.
Q Give me your mother's name? A. Cassie Landrum.
Q Is she dead? A. Yes sir.
Q How long has she been dead? A. I think about 12 years.
Q Was your father a Cherokee freedman? A. Yes sir.
Q Was your mother a Cherokee freedman? A. Yes sir.
Q Where did your master Ben Landrum live? A. On Spokinsaw creek.
Q In what district? A. Delaware ~~or~~ I think.
Q How many times have you been married? A. Twice.
Q Give me the name of your first husband? A. Tom Daniels.
Q Is he living or dead? A. Dead.
Q How long? A. 10 years.
Q Was he a Cherokee freedman? A. Yes sir.
Q When were you and he married? A. Before the war.
Q Back in the days of slavery? A. Yes sir.
Q Give me the name of your second husband? A. Jerry Kirkpatrick.
Q Is he living now? A. Yes sir.
Q Was he a Cherokee freedman? A. No sir.
Q When did you marry him? A. 5 years ago.
Q Have you a certificate of your marriage? A. No sir.
Q Give me the name of your child? A. Ethel Daniels.
Q Is she living now? A. Yes sir.

Applicant not on the 1880 or 1890 roll.

Kern Clifton roll examined and applicants found as follows:
page 153, No 3706 Selia Daniels, Seewannocowee district.
page 153, No 3800 Ethel Daniels, Seewannocowee district.

- Q How comes it that you are not on the roll of 1880? A I don't know, I left it to my father and he said he would attend to it.
Q Where did you go during the war? A. Neosho Falls, Kansas.
Q With who? A. Lots of us.
Q Did you come with your husband? A. Yes sir he came too.
Q Did you stay there until after the war? A. Yes sir.

- Q When did you come back? A. In the spring I guess.
 Q Of what year? A. When my father and Simon Lynch came, I don't know the dates.
 Q Did your husband come back with you? A. Yes sir.
 Q When did he come? A. He sent me on with his father and my father and he staid and worked a while and he came down the next spring after I did.
 Q Did you have any children at that time? A. No sir.

The authenticated roll of 1880 examined and the name of the applicant's father identified on the same as follows:
 Page 645, No. 663, George Landrum, Saline district.

The 1880 roll examined for the name which the applicant mentioned and same is found as follows:
 Page 645, No. 663, Simon Lynch, Saline district.

- Q How long after you got back before your husband came? A. In the spring
 Q How long after you got here before he came? A. I guess it was a year
 Q You came one spring and he came the next spring? A. Yes sir.
 Q Where is Simon Lynch? A. I guess he is at home.
 Q How far does he live from here? A. I don't know.
 Q Is there anyone here who knows of your having been married? A. Yes sir

JAMES LANDRUM, called and sworn as a witness for the applicant, testified as follows:

(By Sam'r Breckinridge)

- Q What is your name? A. James Landrum.
 Q What is your post office? A. Vinita.
 Q How long have you lived in the Cherokee Nation? A. All my life off and on.
 Q Were you out during the war? A. Yes sir.
 Q Were you a slave in the Cherokee Nation during the war? A. Yes sir.
 Q Do you know this applicant here? A. Yes sir.
 Q What kind is she to you? A. My sister.
 Q Are you a son of George and Cassie Landrum? A. I am a son of George and Peggy.
 Q You and this applicant are not full brother and sister then? A. No sir, half brother to her, my mother was Peggy and her mother was Cassie.
 Q Was your father married to Peggy before he married Cassie? A. Yes sir.
 Q When did he marry Cassie, was it in slavery days? A. Yes sir.
 Q Was Peggy dead then? A. No sir he had two wives.
 Q Were both wives of his wives slaves? A. Yes sir.
 Q Did he pretend to live with both of them at the same time? A. Yes sir.
 Q Was that sort of thing permitted in that day? A. Yes sir that was the go in them days, nigger babies is what was wanted.
 Q Do you remember when George Landrum came back to the Cherokee Nation.
 Q Was you with him? A. No sir I came first before he did.
 Q Were you here at the time he came? A. No sir.
 Q You went back to Kansas for your family didn't you? A. Yes sir.
 Q Were you here when your father came, or were you back for your family?
 A. He came when I went back to Kansas.
 Q You didn't see him when he got here? A. No sir, I saw him when he started from there.
 Q Was your sister with him? A. Yes sir.
 Q When you got back did you see him? A. Yes sir.
 Q Was this sister with him? A. Yes sir.
 Q How long after you saw them in Kansas did you see them here? A. It was before I got back here.
 Q You saw them leave Kansas? A. Yes sir.
 Q How long after that did you next see them in the Cherokee Nation? A. In the next fall following.
 Q What time of the year did you see them leave Kansas? A. It was in '88 I think it was.
 Q What time of the year? A. In March.
 Q Of '88 and '89? A. March of '88.
 Q That you saw them leaving Kansas? A. I think it was.

Q Was the war over then? A. Yes sir, just right at the close of the war.
 Q Is your name on the roll of 1888? A. I don't think it is.
 Q You applied for yourself a few days ago? A. Yes sir.
 Q You was put on a doubtful card? A. I guess so.
 Q You ought to know, you was told at the time wasn't you? A. Yes sir.
 Q Don't you remember? A. Yes sir, I remember.
 Q Was your step mother with your sister when they came back? A. No sir.
 Q Where was she? A. At Gibson.
 Q Didn't she live with your father after the war? A. No sir.
 Q Did she go out during the war? A. Yes sir.
 Q What was the name she went by after the war, Landrum? A. Yes sir.
 Q Didn't she marry another man and take his name? A. No sir.
 Q How long do you think Sascie Landrum has been dead? A. She has been dead 13 or 15 years.
 Q Did she continue to live in the Cherokee Nation after the war? A. Yes sir.
 Q Where has this 1/3 sister of yours lived since the war? A. She has lived at Brown's Ferry and Iron's Ford and in Simon Ignoble's settlement and in Arch Landrum's settlement.
 Q Has she ever lived outside of the Cherokee Nation since the war? A. Except of the time.
 Q Do you mean to say she has lived in the Cherokee Nation most of the time since the war? A. Yes sir.
 Q What do you mean to say then? A. That she has lived right where my father first brought her most of the time since the war.
 Q Then you mean that she has lived in the Cherokee Nation most of the time since the war don't you? A. Yes sir.
 Q You are positive that she has made her home here all the time since the war? A. Yes sir.
 (By the Commission of the applicant-)
~~Q You didn't see her when she got there? A. No sir, I saw her when he started from there. Q Have you spent much time there? A. No sir, I would come back.~~
 Q You didn't indicate that you had made your home here all the time since the war did you? A. I worked out some.
 Q Where have you been out at work? A. At Neesho Falls some times.
 Q Any other places? A. Chetopa.
 Q Anywhere else? A. No sir.
 Q How much work have you done at Neesho Falls? A. Sometimes six months maybe seven, then I would make a trip back here.
 Q Did you take your family with you? A. Yes sir I would take the baby there sometimes.
 Q How about Chetopa? A. Yes sir the same way.
 Q Have you spent as much as half your time in Kansas? A. No sir, would come back and stay as much as 3 and 4 months at a time and then light out again, sometimes here and sometimes there.
 Q When did your last husband die? A. 3 years ago.
 Q Where did you marry him? A. Neesho Falls.
 Q Where did you marry your first husband? A. On the river where I live now.
 (By Commissioner of witness, James Landrum)
 Q What was the name of your sister's first husband? A. Tom Daniels.
 Q When did she marry him? A. Long before the war.
 Q How long has he been dead? A. Been dead about 13 years.
 Q Did she live with him until she died? A. Yes sir.
 Q What was the name of her second husband? A. Jerry Kirkpatrick.
 Q How long has he been dead? A. About 4 years I think.
 Q All of 4 years you think? A. Yes sir, I think it is between 3 and 4 years.
 Q Did she marry him after Tom Daniels died? A. Yes sir.
 Q Has she ever been married except those two times? A. No sir.
 Q Did she live with Kirkpatrick until he died? A. Yes sir.
 Q Do you know that your sister had been in the habit of going to Neesho Falls and Chetopa and working there? A. No sir.
 Q You don't know anything about it? A. No sir.

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Q His testimony shows that she went there and yet you say you have kept the men of her cell. (No response)

By John J. Brinkman, Jr.,

the testimony of the applicant and of the witness James Landrum down to this point will be filed in the case of the said James Landrum, as it indicates that his testimony is unreliable and should be taken into consideration in weighing any statement he has made in his own application. His application is

I, Chas. von Feibe, upon my oath state that the above is a true and complete copy of so much of the original testimony as has been ordered filed in Charles Frederick Bonifant case (see)

Chas. von Feibe

Subscribed and sworn to before me this 26th day of July, 1901.

Robert F. Ellis
Robert F. Ellis

Q Now testimony shows that she spent half her time there and yet you say you have kept the run of her all the time and don't know anything about it? A (No response)

By Gen. A. Brockbridge,

The testimony of the applicant and of the witness James Landrum down to this point will be filed in the case of the said James Landrum, as it indicates that his testimony is unreliable and should be taken into consideration in weighing any statement he has made in his own application. His application is Cherokee Freedom #1004.

I, Chas. von Seise, upon my oath state that the above is a true and complete copy of as much of the original testimony as has been ordered filed in Cherokee Freedom Doubtful case #1004.

Chas. von Seise

Subscribed and sworn to before me this 10th day of July, 1901.

Wm. D. Miller
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, T. & October 15th 1901.

EXHIBITIAL TESTIMONY in the matter of the application of Jim
Landrum et al. O. T. D. 661.

Appearances:

James S. Davenport for the Cherokee Nation,
Mellie & Smith for the applicant.

O. J. SMITH being first duly sworn before J. B. Lamm
testified as follows on the part of the Cherokee Nation.

(By Davenport)

Q What is your name? A O. J. Smith.

Q Where do you live? A Vinita.

Q How old are you? A 24.

Q Where did you live before coming to Vinita? A Emporia, Kansas.

Q Did you ever live at Neosho Falls, Kansas? A Yes sir.

Q How long did you live there? A From '75 until '87.

Q While living there did you get acquainted with a colored man named
Jim Landrum? A Yes sir.

Q Where was he living at that time? A Some time in Emporia, Kansas,
the last place that I remember him living at was on the east side
of town in a little house he built there.

Q Did he have a family there? A Yes sir.

Q Did you know the names of any of them? A Yes sir, but I don't know where
they were then.

Q How long did he live there, to your knowledge? A I don't know
when I first knew him, but he was there when I left, up to that
time.

Q You left there when? A '87 or '88 I forget what it was, I know
him a number of years there.

Q You never knew him before that? A No sir.

Q Have you seen him since he came to this country? A Yes sir.

Q Do you know where he lives now? A No sir, I just seen him here in
town.

(By Smith)

Q You don't know if the man you are talking about is the same man who
is an applicant in this case or not? A Yes sir, the man who was
pointed out to me.

Q You don't know who the applicant in this case is he not? A That is
the only Jim Landrum I know.

Q Do you know of your own knowledge that the man you are talking
about is the same man who is making application for citizenship
as a Cherokee free man, here? A No sir, I don't know.

Q That year was the beginning of your knowledge of the man
you are talking about? A I can't say, sir, I don't know when I
was going to school there, I can't say when I first knew him.

Q How long did you live in Emporia? A From '75 until I left, I
went up there in '82 when I left.

Q Where did you first know this man you are talking about in Neosho
Falls, Kansas?

Q What year? A I know him until I left there, I don't know when I
first knew him.

Q Do you know him in Emporia? A No sir.

Q You say you left there about '87 or '88? A Yes sir.

Q Did you ever see him since you have been in Vinita? A Yes
sir, I have seen him here in town.

Q How long have you seen him since you have been in Vinita? A I
don't know, but I have seen him here in town.

Q Is he now in Vinita? A Yes sir.

Q Is he now in Vinita, I mean a small village or town in
Kansas?

Q Have you been in Landrum's house there? A I have been by it.
 Q You don't know when Jim Landrum went there? A No sir.
 Q How old did you say you were? A 29.
 Q How often would you see Landrum there at Neosho Falls? A Some times every day for a good many days and then wouldn't see him for a week or two.
 Q Do you know if he lived at just one place or more than one place?
 Q He lived at more than one place in town there.
 Q You don't know really how long you was there? A No sir.
 Q You don't know if all his family was there? A No sir I don't know how many he had in his family.
 Q You don't know anything about where he lived before he was there?
 A No sir.
 Q You don't know if he owned any property in the Cherokee Nation? A No sir.

REECE GRAVENS, being first duly sworn by Court J. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Reese Gravens.
 Q Where do you live? A In Vinita.
 Q How old are you? A 48 or 3.
 Q Did you ever live in Kansas? A Yes sir.
 Q Did you ever live in Neosho Falls? A 12 miles from there.
 Q At what place? A Iola.
 Q Did you get acquainted with a colored man named Jim Landrum there in Kansas? A Yes sir.
 Q Where was he living when you got acquainted with him? A Geneva, a little town close to Iola.
 Q After that where did he live? A Right in the country there all the time I knowed him.
 Q Have you ever seen him since he left there? A Yes sir.
 Q Where? A Here.
 Q Vinita? A Yes sir.
 Q Where is he living now? A North of here the other side of the mill.
 Q How long has he lived there? A Between five and six years.
 Q When did you see him in Kansas? A About '86.
 Q Did he have a family? A Yes sir.
 Q Do you know when he came there? A No sir.

(By Smith)

Q When did you first come to the Cherokee Nation? A I have been here off and on ever since the close of the war off and on.
 Q Mostly off or on? A On every six months or so I would come here.
 Q When did you first come? A I come right after the close of the war.
 Q How many places have you lived in Kansas? A I have lived in Lawrence and Topeka and Wichita and Iola.
 Q Any other places? A No sir not permanently. I have been in other places, I didn't live there though. I did stay a while in Coffeyville.
 Q Did you ever live in Geneva? A No sir.
 Q Ever live at Neosho Falls? A No sir.
 Q What were you doing in Neosho Falls? A Going to meetings and fairs.
 Q About how many places were you acquainted in Kansas? A I have told you the principal places where I was acquainted.
 Q You have been testifying in a great many cross-examinations? A No sir I have only been here twice before.
 Q You have been here more than that haven't you? A No sir this was the first time.
 Q The other day didn't you say when you were testifying the other day you didn't say anything about Neosho Falls did you? A No sir I was never asked about it.
 Q Didn't I ask you then to state all the places in Kansas that you were familiar with? A No sir I don't think you did.
 Q Didn't I ask you that and didn't you undertake to tell me all the

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Q. Now you have been at the meeting a while and you know
as you look up about
A. Didn't you undertake to come every place that you had been in
before? I do win, only these that you asked me about
A. Didn't you undertake to take all of them that you had been to
say, I wasn't asked that question, you asked me if I had been to
some places, but you never asked me no such question.
Q. You have been in the territory haven't you? I have
A. In Kansas? I have.
Q. You showed a picture to witness coming to the territory? I did
but I never said any.

This file is part of the original collection. It contains all the information that was submitted to the FBI by the CIA.

Since you have been told that the most likely place to find the information is in the five divisions, it is requested that you all the information in the above divisions and that the information is a list of names and addresses of his associates and his associates.

places you had been in Kansas. I asked you about
 as you asked me about.
 Q Didn't you undertake to name every place that you had been in
 Kansas? A No sir, only those that you asked me about.
 Q Didn't you undertake to name all of those that you had been in?
 A No sir, I wasn't asked that question, you asked me if I had been in
 some places, but you never asked me to name them.
 Q You have been in the Penitentiary haven't you? A Yes sir.
 Q In Kansas? A Yes sir.
 Q You pleaded guilty to whiskey selling in the Penitentiary? A Yes sir
 but I never sold any.

This will be filed in the original application, D-606 and also in
 D-696, D-700, D-701 and D-702.

Chas. von Weiss, being first duly sworn states that as stenographer
 to the Commission to the Five Civilized Tribes he reported in full
 all the proceedings in the above case and that the foregoing is a
 full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 18th of October, 1901.

Commissioner

F. D. 600.

Department of the Interior.
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 29, 1902.

In the matter of the application of Jane Riley for enrollment
as a Cherokee Freedman:

SUPPLEMENTAL TO D-600.

Applicants represented by Melette & Smith.
Cherokee Nation represented by J. S. Davenport.

C. W. LEARNED, being first duly sworn, testified as
follows:

- MR. DAVENPORT: What is your name? A C. W. Learned.
- Q Where do you live? A Neosho Falls.
- Q What is your age? A 46.
- Q How long have you lived at Neosho Falls, Kansas Mr. Learned?
- A Ever since '67.
- Q After you went to Neosho Falls, Kansas, did you get acquainted with a family of colored people by the name of Landrum? A Yes, sir.
- Q How long after you went to Neosho Falls did you learn to know them, Mr. Learned? A Why about '68.
- Q What were the names of the Landrums that you knew there, the older ones, Mr. Learned? A Jack and Jim.
- Q Did they have a family there?? A Yes sir.
- Q Where did they live with reference to where you lived, Mr. Learned? A Lived on my father's farm.
- Q On your father's place; do you remember the names of any of their family, of the children? A Why some of them I remember Ed Landrum that was the son of James, a girl named Alice, one named Frances, and one named Hattie, and one named Bell, and one named, boy, named John, and some more of them.
- Q How long did either Jim or Jack Landrum, or either of them, continue to live on your father's place there near Neosho Falls to your knowledge? A Well Jim Landrum lived there from '68 to the time he left there. Well he didn't live there all the time on the place, he left after he had lived there about eighteen years; he left and come down here, but Jack Landrum, he lived there in '68.
- Q Did Jack Landrum have a family? A Yes, sir.
- Q And Jim Landrum lived there until about when? A I think he come to town about '84 or '85, and then come down here.
- Q That makes you remember that Jack Landrum lived there until about '80? A Why a fellow named Hanks had come out from Illinois to our place, and we went out fishing, and we concluded we would rather go where the darkies were holding a meeting, and he got in trouble with them and into a fight with Jim, or that is he wanted to, and he made a disturbance, and so then he come back, and we went over to town, and he got in trouble there in town, and they arrested him and he had a trial.
- Q Well now do you remember who were the witnesses in that case?
- A Tom Daniels was one.
- Q Tell do you remember any one else, whether any one else was a witness or not. Did you ever know a Ben Landrum up there? A No, sir, I never knowed a Ben Landrum.

Q Do you know where either of the Landrum families moved to when they left your father's place or that neighborhood? A Why, yes, sir, Jim Landrum moved to town.

Q Well where did Jack Landrum go? A Jack he pulled out, I don't know where he went. I suppose he came back down here.

Q Now from the time you went to Neosho Falls—that was in what year? A We went to Neosho Falls?

Q Yes sir. A Came there in '57.

Q Well, now when did Jack and Jim Landrum move on your father's place with reference to the close of the war, whether it was before or after? A Well this was after the war, '68 was the first I recollect of then.

Q Well now then they lived on your father's farm until about then? A Yes, sir, on there in '68.

Q Jack or Jim moved away first? A Jack moved away first.

Q When do you think now he left the farm? A Well I don't know as I could just say when he left. but he didn't stay there very long after that.

Q And Jim stayed there several years? A Yes sir.

Q How many children had Jim when he came on your father's farm? A Didn't have any just married.

Q Did you know what his oldest child's name was? A Yes sir.

Q What is it? A Called her Alice.

Q What was the next one? A Ed.

Q Was Jim Landrum's family there when you say Ed was born? A Living on our place.

Q There near Neosho Falls? A Yes, sir, in two miles of the falls, on my father's farm.

Q Well, since the birth of Ed have you ever seen him any since that time? A Yes, sir, he stayed there x on the place till he grew up to be quite a chunk of a boy, and then he struck out and went to Wichita and that's the first place I know when he left.

Q How long since you seen Ed? A Oh, it's been quite awhile. He was back there once, but I didn't get to see him.

Q About how old would he be now Mr. Learned? A Well, he must be in the neighborhood of thirty years, I think, somewhere along there.

Q How many children did Jim Landrum, about how many do you think that was born while he was living on your father's place? A Eight or ten.

MR. MELLETT: When did you say your people first moved up there? A '57.

Q You remember that do you? A I remember when I first moved there, yes, sir.

Q You was a year old at that time, wasn't you? A '57.

Q Now you have said you remember when they moved there, and they moved there in '57; now you have said that your people moved there in '57, and that you remember it, didn't you? A Well, I don't know as I remember.

Q Well you swore it just now, that you remembered, and it's down there, and you're forty-six years old, and yet can remember when you was a year old, when you swear that you remember when your people moved there, don't you? A '57.

Q Huh? A '57. Well I knowed them in '59.

Q Well you swear you remember? A But I don't know as I remember.

Q Why didn't you swear just now that you remember when your people moved there, didn't you? A I don't know as I did.

Q Didn't you just swear—I ask you in the presence of all these witnesses—swear that you remembered when your people moved there in '57, now answer whether you said that or not? A I don't think I did.

Q You swear that x do you; read the record.
(Record read).

Q Now don't you think that's rather wild swearing?

Mr. DAVENPORT: I object to that question.

Mr. BELLETTE: Don't you think that's rather wild swearing?

COMMISSION: Answer the question, Mr. Learned.

A Swearing that I knew when I moved there in '57?

Mr. BELLETTE: Yes, sir, A No, I don't recollect when I moved there in '57.

Q What made you swear it then? A Don't know as I understood the question.

Q Well I asked the question straight out; how old were you in '68? A About 11.

Q About eleven years old, and you remember the dates this length of time and exactly when these people left there, and every thing of that sort, do you? A I remember because of the incident I told.

Q What incident? A The man getting in trouble and being arrested.

Q Can you remember the witnesses that appeared that length of time ago when you were only eleven years old? A Well Tom Daniels was a brother of Jim's, that's the reason I remember that.

Q You were eleven years old at that time wasn't you? A Yes, sir.

Q And you remember all about that? A Well, I don't remember all about it.

Q Were you at the trial? A No, sir.

Q How do you know who were the witnesses then? A Jim told me.

Q You're testifying to what people told you, are you? A I wasn't at the trial.

Q You don't know who were the witnesses, do you? A Jim said—

Q But I am not talking about what people said, but what you know about it? A I wasn't at the trial myself.

Q You don't know who were the witnesses? A Only what they said.

Q Do you remember when Jack Landrum left that country? A No, sir. I do not.

Q Didn't you say awhile ago that he left there in '68? A No, I said he might have been away in '68, but I knew him there, '68, he was on our place in '68. Jack Landrum was there in '68.

Q Don't you know that he is on the 1880 roll as a freedman citizen of the Cherokee Nation? A Well, I don't—

Mr. DAVENPORT: I object to that because that's not evidence of where he was.

Mr. BELLETTE: I would like to have the roll examined. I would like this testimony to show that John Landrum is on the 1880 roll, because—

Mr. DAVENPORT: That's no evidence where he was in '68.

COMMISSION: 1880 roll page 121, No. 1681, John Landrum, Cooweescoowee District, Adopted Colored.

Mr. BELLETTE: Now there isn't any possibility of your forgetting the date exactly, being as you was only 11 years old at that time, was there? A I might have if it hadn't been for that trial.

Q You wasn't at the trial? A Well, I might have been talking about it.

Q What makes that trial impress upon you the fact? A Why that made me think when we was out there at the meeting.

Q What meeting? A Dark meeting.
Q When was that meeting? A That must have been along in about May, I guess.
Q Well do you remember every body that you saw up there when you was 11 years old? A No, sir.
Q Huh? A Don't know, sir, as I remember, if they hadn't been living on our place.
Q Who lived on your place? A Jack Landrum and Jim.
Q Jack Landrum and Jim; where were they in '66? A Couldn't tell you.
Q Don't know where Jack Landrum or where Jim Landrum was in '66?
A No, sir.
Q '67 where were they? A I couldn't tell you.
Q Don't know whether they were there or not, do you? A No, sir,

MR. DAVENPORT: You know that after that they lived on your father's place? A Yes sir.
Q And you know that Jim Landrum's children were born while they were living on the place? A Yes sir.

COMMISSION: The following is offered in evidence by the representatives of the Cherokee Nation:
"State of Kansas)
Woodson County.)ss.

I, A. C. Woodruff, Clerk of the District Court within and for said county and state above named, do hereby certify that the case of the State of Kansas vs. Booth Hanks was continued from the October Term, 1868, to the April term 1869, of the District Court of Woodson County, Kansas. I further certify that Thomas Daniels and Ben Landrum were witnesses in said case as the same appears on record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 25th day of April, 1902.
(Seal)

A. C. Woodruff, Clerk."

MR. MELLETTE: Did you ever see that certificate? A No, sir, I haven't seen it.

Q Did you ever look at the record to find out who were witnesses in that case? A I never looked at it myself.

Q Who did look at it? A A man by the name of Keys.

Q Mr. Keys who was up there helping the Cherokee Nation find out who were witnesses in that case you speak of and then told you, didn't he? A I told him where he could find it; to go to Center, the county-seat, and he could find the record.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-601, D-603, D-605, D-664, D-698, D-700, D-701, D-702, D-1112, and in D-600, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

Philip G. Reuter,
Notary Public.

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AS LIND CHAIRMAN

I, Margaret Grutsinger, being first duly sworn state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing and that the same is a true and correct copy of the original transcript.

Margaret Grutsinger

Subscribed and sworn to before me this 8th day of May, 1902.

C. J. Reister
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mollata & Smith, Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17202 filed in the Mariak Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariak Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Jim Lathrop, D 404;

By W. W. Hastings:

Come now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariak Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases, including the Mariak Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decrees already referred to

in the case of Moses Whitwire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Rauter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell
Subscribed and sworn to before me this July 29, 1902.

P. G. Rauter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 24, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JIM LANDRUM, SR., ET AL., as Cherokee Freedmen.

Appearances:

J. S. Davenport and L. B. Bell, Attorneys for Cherokee Nation.

JAMES LANDRUM, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A James Landrum.

Q How old are you? A I reckon I must be about between fifty-five and -six. I don't know my age exactly.

Q What is your post office? A Vinita.

Q In what district do you live? A Cooweescoowee.

Q Is Margaret Landrum your wife? A Yes sir.

Q When did you first get acquainted with your wife? A That has been about forty years ago, I guess.

Q Did you know her before the war? A No sir.

Q Do you know when she returned to the Cherokee Nation after the war? A Yes sir.

Q Did she come back the same time you did? A No sir, not the same time I did.

Q When did you first see her after the war? A I first seen her the winter after the war.

Q What time in the winter? A Along about Christmas. Let's see. Yes, I seen her before the war, I am certain I did.

Q I am asking you after the war, when did you first see her after the war? A After the war I first seen her, the first winter after the war. I was a soldier, and when I got my discharge and come home to my people, then that's the time I seen her.

Q Was that before Christmas or after? A It was just right in Christmas.

Q Was that the first year after the war? A Yes sir, I think so, I know it was the first year after the war.

Q Where did you see her at that time? A Seen her in Lynn County, Ottumwa, Kansas.

Q You first saw her in Kansas? A Yes sir.

Q The first year after the war? A Yes sir.

Q How long did she stay there? A She stayed there until that spring.

Q Until the following spring? A Yes sir.

Q Had she been down, at the time you saw her, had she been down in the Cherokee Nation since the war? A I married her and brought her down the next spring.

Q That would be the second year after the war? A Let's see, I was discharged along in the winter, and that Christmas I got acquainted with her, got to going with her, and that spring following we was married.

Q Then when did you bring her down to the Cherokee Nation? A That spring.

Q Right after you were married? A Yes sir.

Q How did you come down here then? A Come down with a wagon and team.

Q Who came down with you besides your wife? A There was a whole team of us.

Q Name as many as you can? A There was Arch Landrum, Al Lynch, Simon Lynch, Arch's family, a white man named Louis Vittito, another white man named George Reckwell. Then there was a lot of them ahead of us just at the same time. There was Lewis Rowe's family.

Q Any more than a week apart? A No, it wasn't that long.

Q Who was in that crowd right ahead of you? Lewis Rowe, who else?

A Lewis, we was ahead of him, and right after we come there was another crowd. Reuben Downing and his crowd come.

Q Who else was with Reuben Downing? A I don't know, just his family, I think. Just him and his family.

Q Where did you and Margaret come to at that time? A Come on the river here.

Q What river? A Grand river.

Q In what district? Couldn't -

Q In what nation? A Cherokee Nation.

Q Near whose place did you settle? A We settled on Johnson Thompson's place, Jess Cockrum was living there then.

Q Who else was living there besides Jess Cockrum? A His family.

Q Who else? A Uncle Arch Landrum.

Q Anybody else living around there? A Right around there in the neighborhood? There was no one then in that neighborhood but us at that time. Then we moved west on the road.

Q How where did you and Margaret live after you came here? A We lived right on the Bob Downing place, on the road.

Q In the Cherokee Nation? A Yes sir.

Q How long have you and Margaret lived in the Cherokee Nation since you ~~you~~ came back after the war? A We have lived in the Cherokee Nation off and on, I couldn't tell you. Then we moved back and forth up and down the river to her father's, and made anfield there.

Q Have you and your wife lived out of the Cherokee Nation since you came back? A No sir.

Q Have you ever lived in Kansas? A I worked in Kansas.

Q Was your wife there with you? A No sir.

Q Has your wife ever been out of the Cherokee Nation since you came back after the war? A She was out of the Cherokee Nation when I married her.

Q Since you married her and came back? A No sir.

Q Has she lived continuously in the Cherokee Nation since she came back after the war? A Yes sir.

Q You say you were out to work? How long would you stay at a time?

A I don't know how long I did work. I worked up there in Parsons when Parsons was growing up new, when they were making the town. I went back up there and worked in Parsons.

Q How long would you stay there at a time? A I would stay there sometimes two or three months, sometimes a month or so.

Q Did you keep your household property and furniture down here in the Cherokee Nation? A Yes sir.

Q You never took your wife up in Kansas with you? A No sir.

Q Have you and your wife always counted this your home since you came back after the war? A Yes sir, we was bred and born here.

Q How long have you and your wife lived continuously in the Cherokee Nation without going out to work? A All along, right along.

Q You said a while ago you went out to Parsons, Kansas? A I went out, but I didn't take her.

Q How long have you lived continuously in the Cherokee Nation?

A Pretty near all my life, except the time I was in the war.

Q I am talking about since the war? A I have lived in the Cherokee Nation all along, right along from Fort Gibson up and down this river.

Q All along for how long? Since what time? When was the last time you went to Kansas to work? A The last time I went to Kansas to work was when Parsons was just, I can't tell when it was, Parsons was just coming up.

Q Was that before 1880? A Yes sir, I reckon so. I can't read and write.

Q Do you remember when the census takers came around in 1880?

A No sir.

Q Do you remember when the wallace roll was made? A Yes sir.

Q Have you and your wife lived together continuously in the Cherokee Nation since the Wallace roll was made? A Yes sir.

Q Never been out? A No sir.

Q Were your children all born in the Cherokee Nation?

A Pretty much, yes sir.

Q Were they ever out, any of them? A Yes sir, I had one girl out.

Q What was she doing? A I couldn't tell what she was doing.

Q What is her name? A Frances.

Q She is not included in this application. You applied for your children Jessie, John, Jim, Jr., Barbara and Nelson. Were they all born in the Cherokee Nation? A Yes sir.

Q Have they lived here all their lives? A Yes sir.

Q Are they still living? A Yes sir.

MR. DAVENPORT: What is your oldest child's name? A Alice.

Q Your next one? A Ed.

Q Your next one? A Frances.

Q And the next one? A Lizzie.

Q Did you ever have a Hattie in your family? A Yes sir.

Q Ever have one called Belle? A Yes sir.

Q One you called John? A Yes sir.

Q When did you say you and your wife came back to the Cherokee Nation after the war? A We came back on the river.

Q What year? A It was right after the war.

Q Did you ever know a man by the name of Ben Landrum? A Yes sir.

Q Did you ever know a man by the name of Tom Daniels?

A Colored man?

Q Yes. A Yes sir.

Q Where was you living when you first knew them after the war?

A Me and him was soldiers together.

Q When you were discharged from the army, where did you and he first locate? A I don't know where he located.

Q Where did you go when you was discharged from the war?

A Ottumwa, Kansas.

Q How far is Ottumwa from Neosho Falls? A Couldn't tell you.

Q Did you ever live in the town of Neosho Falls, or within two miles of that town, Neosho Falls, Kansas? A No sir.

Q Did you ever know a man by the name of C. W. Leonard? A No sir.

Q Did you ever have a brother who went by the name of Jack Landrum, who lived near Neosho Falls, Kansas? A Jack Landrum lives out on Lightning Creek.

Q Is he kin to you? A He is a brother.

Q You had a brother by the name of Jack Landrum? A John.

Q I want to read this to you, and ask you if it is true. This question was put to C. W. Leonard, of Neosho Falls, Kansas, and answered as follows: "On your father's place, do you remember the name of any of their family, of the children? A Why some of them I remember. Ed Landrum, that was the son of James, a girl named Alice, one named Frances, and one named Hattie, and one named Belle, and one, boy, named John." That is referring to a man who is an applicant by the name of James Landrum Sr., and this man states that he knew the given names? A I don't know that family. It is all false.

Q Did you ever live in Kansas within about two miles of Neosho Falls, on a man's farm by the name of Leonard? A No sir.

Q These names given here by Mr. Leonard correspond exactly to your children's names, don't they? A Yes sir, so far.

Q You moved on Mr. Learned's farm in 1868, didn't you?
 A I don't know, sir.
 Q When was you and your wife married? A I said we was married the next spring after the war. I don't know the dates or nothing of that kind, I can't read.
 Q I am simply asking you the facts, these facts you can remember. Now I will ask you another thing, if, when the 1880 roll was made, if you wasn't then living at Neosho Falls on old man Learned's place?
 A No sir.
 Q I will ask you if you didn't live --
 A At that time I think I was in Fort Gibson.
 Q I will ask you if you didn't move from Mr. Learned's farm in 1882 to the town of Neosho Falls there, and remain until 1884 and part of 1885? A No sir.
 Q Where did Tom Daniels live? A I couldn't tell you a thing about Tom Daniels. Tom Daniels went from one place to the other. I heard he had consumption.
 Q Where did Ben Landrum live, Charlie Landrum's father? A Ben Landrum lived out east of here.
 Q When you knew him after the war, where did he live? You mean old Ben Landrum, colored Ben Landrum. I don't know the colored Ben. I know the white Ben Landrum.
 Q Did you know in 1868 a man by the name of Hanks, coming from Illinois and going to Neosho Falls, Kansas, and he got into a difficulty, in which Tom ~~Landrum~~ Daniels and Ben Landrum were used as witnesses? A No sir, I don't know anything about it.
 Q Ed Landrum is your son? A Yes sir.
 Q He is the one that is living over to Wichita, Kansas?
 A I don't know where he is living.
 Q That's where he was living when he made application, wasn't it?
 A I don't know whether it was Wichita or Winfield.
 Q It is one of those towns? He came from there to Muskogee to make application? A I couldn't tell you.

ARCH LANDRUM, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Arch Landrum.
 Q How old are you? A I don't know my age? I guess I am close on to seventy.
 Q What is your post office? A Ketchum.
 Q In what district do you live? A Delaware.
 Q Do you know Jim Landrum, Sr.? A Yes sir, I know him.
 Q Who was his father? A George Landrum.
 Q Who was his mother? A Peggy Landrum.
 Q Was Jim Landrum, Sr., any relation to you? A No sir.
 Q Did he belong to the same man? A No sir.
 Q Did you know Jim Landrum before the war? A Yes sir.
 Q Who did he belong to Aaron Landrum.
 Q Was he a Cherokee? A Yes sir.
 Q Did Jim belong to Aaron Landrum before the commencement of the war?
 A Yes sir.
 Q Was Jim taken out of the Cherokee Nation during the war?
 A He went out, I guess he was taken out.
 Q When did he return? A He come back a little before the boys that came back with me. The time wasn't up yet for us to come back, but we come back in that time.
 Q Did anybody else come back at that time with him? A All my folks come back.

Q Who were they, your folks? A My wife and children, I had five or six children, and Lewis Rowe's outfit was right ahead of us, and Al Lynch and Simon Lynch.

Q Who else? A A couple of white men, one named Vittitoe, and I forget the other ones names

Q When did you come back after the war, what year? A I don't know what year. I know we was all to get here in '66, and I come here before that time.

Q Did you bring Jim Landrum back before the treaty was made?

A Yes sir.

Q Where did you come to? A A place called Ketchum's now, stopped with Jess Cockrum.

Q In the Cherokee Nation? A Yes sir.

Q How long did you and Jim stay there? A I stayed there until along the last of March. I crossed the river then and went on to Bob Downing's place, and went and put in a crop of corn.

Q How long did Jim stay in the Cherokee Nation when he came with you? A He stayed a good while.

Q Did he stay as long as two or three years? A No, not that long.

Q As long as a year? A About six months, I think, the first time he come; he went back.

Q Back where? A To Kansas, and came right straight back. He had some of his family down here. His dad had come then.

Q Was he living here in the Cherokee Nation when the treaty was made?

A Yes sir.

Q How long did ~~you~~ live here after that? A How long after that? I couldn't say. He went back to Kansas and got another load, and that was in '66. I couldn't tell you exactly when. Me and him went down to Tahlequah to move my mother.

Q Was Jim and Margaret married before they came down here?

A Now I couldn't tell you much about that.

Q Did his wife, Margaret, come down with you? A No sir.

Q She didn't come down the first time, the time you brought Jim?

A Not the first time I come.

Q When did you first see Margaret Landrum? A It was the next time after he came here, her dad was living right close by me. She went right on the river there.

MR. BELL: When was that, he wants to know? A I couldn't tell you.

BY COMMISSION: How long was that after the close of the war when you first saw Margaret? A It was, - he went back in Kansas and come again.

Q Was that in '66, or '7, or '8, or when? A I think it was along about '67.

Q You don't think Margaret came down here until '67? A Somewhere along there, as near as I can recollect.

Q That is the first time you saw her in the Cherokee Nation?

A Yes sir.

Q What colored people did you find living here when you came down with Jim? A There wasn't any in here but Cherokees. There wasn't no colored people at all but what come with me.

Q You brought Jim with you the first time you came down after the war? A Yes sir.

Q Was that after the close of the war? A The war was closed, yes sir.

Q How long did Jim and Margaret Landrum live in the Cherokee Nation after the war, how many years, how long did they stay here?

A Jim and Margaret, I couldn't tell you, they were living right where I was. I don't know how long they did stay there. I lived at a different place.

Q Have you seen them often since the close of the war?

A Yes sir, I have seen them often, tolerably often.

Q Where have Jim and Margaret been living the last twenty years?

A I couldn't tell you that. I know they was here and drew their Strip money twenty years ago. I made a mistake; twenty years ago she was down at her dad's.

Q You have applied to the Commission for enrollment as a Cherokee freedman, haven't you? A Yes sir.

MR. DAVENPORT: Arch, where was Jim when the war closed?

A Neosho Falls, Kansas.

Q Now, was you there at that time? A At Neosho?

Q Yes. A I was living there.

Q How long did Jim stay there after the war closed? A After the war closed he came right off with me. We had to come here in such a time.

Q Just answer the question. Did Jack Landrum, or John Landrum, the brother of James, ever live at Neosho Falls, Kansas, Jack or John?

A This Jack out there.

Q Did he ever live at Neosho Falls, Kansas? A Yes sir, he lived up there.

Q What did they do in the way of work while they were up there, if you know, Arch? A Farmed a little.

Q Did you ever know a colored man by the name of Ben Landrum up there at Neosho Falls, that belonged to the Landrums? A Yes sir.

Q Ever know a colored man by the name of Tom Daniels up there at Neosho Falls? A Yes sir.

Q Do you know what became of them? A Old man Ben, he died up here to Chetopa when we come down. He died up there.

Q Where did Tom die? A He died up there to Kansas.

Q Did you and Jim Landrum remain at Neosho Falls, Kansas, until Ben Landrum left there and came to Chetopa? A I came off and left Ben there.

Q Where? A At Neosho, then afterwards he came on down pretty soon, and stopped at Chetopa. He died there.

Q Have you any idea how long you had been away from Neosho Falls when Ben came up there to Chetopa? A He didn't stay in Kansas very long after that.

Q And Ben Landrum, and Tom Daniels, and yourself and Jim Landrum the applicant in this case, did live at Neosho Falls, Kansas?

A Yes sir, we lived to Neosho Falls, not in town, but in the neighborhood.

Q Was Jim Landrum married at the time you lived at Neosho Falls?

A Jim was in the army.

Q Was he married before he came down here, the time you say you came with him? A He climbed on there, I couldn't tell much about it.

Q He told you as you came down whether he had a wife or not, didn't he? A I don't know.

Q You know whether he had a wife or not when you started down here together? A We sure came together.

Q I say he had a wife or family? A He had one when he came back.

Q Did Jim say at the time he came down here that he had a wife?

A He didn't say.

Q After the time you came down here, back to the Cherokee Nation, did Jim come down here with a wife? How many years was it?

A After he went back?

A Yes. A He went back a time or two. He didn't come back once. He had a lot of plunder and went back several times.

Q Who is correct, he or you? He says he didn't get back at all, and you say he did, which is correct? A Didn't he tell you he went up?

Q He sir, he didn't. He says he has been living down here continually. He says he went back up to Parsons and worked a while.

A Then he helped me to move back, he went back up to Kansas, and when he came back we went to Tahlaquah to save my mother.

Q Has Jim Landrum any children? A Yes sir.
 Q Do you know the name of the oldest child? A No, I don't.
 Q Is it Alice? A Might be.
 Q You don't know? A They didn't stay around me, didn't pay much attention to it.
 Q Do you know whether or not he has one by the name of Ed?
 A Yes sir.
 Q Where was Ed born? A Couldn't tell you.
 Q How far have you been living from Jim Landrum since he moved his family down to the Cherokee Nation? A I live on the river, and he lives in town.
 Q How far was that from where you lived? A About five or six miles.
 Q How when he brought his wife down to the Cherokee Nation, did he have any children born at that time? A I think he did.
 Q How many? A Never counted them. She had a whole lot of children.
 Q When he brought his wife down here to the Cherokee Nation they had some children the nearly grown, didn't they, Arch?
 A I think they did.
 Q I will ask you if the Boy John Landrum wasn't quite a good-sized boy? A I think so.
 Q That is about the sixth child of the family? A I guess so, I don't know just how many children he has got.
 Q You remember one by the name of Alice? A Yes sir.
 Q One by the name of Frances? A Yes sir.
 Q You remember one by the name of Ed? A That's a boy.
 Q One by the name of Hattie, and one by the name of Belle?
 A No sir, I don't.
 Q One by the name of John? A I don't know all of Jim's children at all.
 Q You remember that he has one by the name of John? A I remember hearing him call that.
 Q Didn't Jim Landrum, for the first time since the close of the Civil War, move his family from Neosho Falls, Kansas, to the Cherokee Nation in the fall of 1884, or winter, of 1885? Answer me yes or no?
 A I don't know whether he did or not. Couldn't tell you either way.
 Q Had you ever seen his wife and children in the Cherokee Nation prior to 1884, that's before that time?

MR. BELL: That will be twenty years ago.

A Yes sir, I saw her at her dad's.

MR. DAVENPORT: After you left Neosho Falls, Kansas, and came down in '65, did you ever go back to Neosho Falls? A No, I didn't go back, never did, aint been back since.
 Q Where was Jim Landrum living when the 1880 roll was made?
 A Where Jim Landrum you mean?
 Q Where was he living? A I don't know where he was living, it must have been here in town.
 Q Where was he living when the 1881 payment was made? A Couldn't keep track of all that.
 Q As a matter of fact, you don't know anything about Jim Landrum or his family, until the last fifteen years? A No sir, I don't, only what I been telling you.
 Q You came here today to testify for him, didn't you? A That's what he wanted me for.
 Q Then you mean to say - he didn't tell you what the Commission wanted? A He never spoke to me about it.
 Q Is this the first time you have testified in this case?
 A Yes sir, the first time I ever testified in this case.

Q Did you ever know any one of the name of "Barnes" in Kaonhe Falls
 and around the river, and who lived in Kaonhe Falls?
 A Yes, I know him. I know him.
 Q You know him? Is he a white man or a colored man?
 A He is a white man.
 Q You remember that you saw him in the Kaonhe Falls?
 A Yes, I do.
 Q Where was he living at that time? A Living near the
 Kaonhe Falls, in the neighborhood of Kaonhe Falls, at that
 time.

COMMISSIONER OF THE LANDS
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Q Now, did you ever see any one of the name of "Barnes" in
 the Kaonhe Falls, and who lived in Kaonhe Falls?
 A Yes, I know him. I know him.
 Q You know him? Is he a white man or a colored man?
 A He is a white man.
 Q You remember that you saw him in the Kaonhe Falls?
 A Yes, I do.
 Q Where was he living at that time? A Living near the
 Kaonhe Falls, in the neighborhood of Kaonhe Falls, at that
 time.

Wm. H. H. H. H.

Subscribed and sworn to before me this 10th day of October, 1893.

Wm. H. H. H. H.

Q Did you ever know a man by the name of Learned in Neosho Falls who owned a farm out on the river, and who lived in town himself?
A Right in town, I think I did.
Q You remember the circumstances of a fellow named Hanks getting into a row with the colored people and was arrested? A Yes sir.
Q You remember that Tom Dan iels and Ben Landrum were witnesses?
A Yes sir.
Q Where was Jim Landrum living at that time? A Living around there somewhere.
Q He was still living in the neighborhood of Neosho Falls at that time? A Yes sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 28th day of October, 1903.

Edward Herrick
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jim Landrum, Sr., et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Jim Landrum, Sr., et al.,.....	Cherokee Freedmen D	604
Frances Banks, et al.,.....	"	D 606
Belle Landrum, et al.,.....	"	D 700
Alice Lynch, et al.,.....	"	D 701
Lissie Allen, et al.,.....	"	D 702
Ed Landrum,.....	"	D 1112

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Jim Landrum, Sr., for the enrollment of himself, his wife, Margaret Landrum, and his minor children, Jessie, John, Jim, Jr., Barbara and Nelson Landrum; by Frances Banks for herself and her minor children, Earl and McKinley Banks; subsequent to the date of the last mentioned application an affidavit was filed with the Commission showing the birth of another child, Martine Banks, on September 23, 1901, and the same is made a part of the record herein; by Belle Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Lissie Allen for herself and her minor children, Emma Landrum, Viola Landrum and Frank Allen; and by Ed Landrum for himself. Copies of the testimony taken at various times in the matter of the applications of Jane Wiley, Cherokee Freedmen D 600, and Selia Kirkpatrick, et al., Cherokee Freedmen D 678, are made a part of the record herein.

The evidence shows that the said Jim Landrum, Sr., and Margaret Landrum were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion Margaret Landrum was taken to Kansas, and Jim Landrum also went out of the Cherokee Nation and joined the United States Army, but he returned to said Nation and was residing therein within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation; that in the Spring of 1867 said Jim Landrum, Sr., went to Kansas, where he married said Margaret Landrum, and some time thereafter brought her to the Cherokee Nation. All the other applicants herein are the descendants of said Jim Landrum, Sr., born since 1866, and claim right to enrollment through him.

None of the names of the applicants herein are found on the 1866 authenticated Cherokee roll.

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It does not appear that Jim Landrum has ever removed from the Cherokee Nation with his effects and become a citizen of another government. On the contrary it is shown that he has continuously resided in the Cherokee Nation since the making of the Wallace roll in 1890. It further appears that all the other adult applicants herein have kept their permanent residence in said Nation since birth, though Alice Lynch, Linnie Allen and M Landrum have been living without said Nation at various periods for temporary purposes. The residence of the minor applicants herein is considered to have been, since birth, with the respective parents through whom they claim.

It is, therefore, the opinion of this Commission that Jim Landrum, Sr.; Jennie Landrum, John Landrum, Jim Landrum, Jr., Barbara Landrum, Nelson Landrum, Frances Banks, Earl Banks, Mortimer Banks, Hortense Banks, Belle Landrum, Volan Landrum, Alice Lynch, Laura Lynch, Linnie Allen, Emma Landrum, Viola Landrum, Frank Allen and M Landrum should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 20, 1906 (34 Stats., 495); and that the application for the enrollment of Margaret Landrum as a Cherokee Freedman should be denied, under the provisions of said Section 21, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.

Chairman.

(SIGNED) T. B. Needles.

Commissioner.

(SIGNED) C. R. Brookinridge.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this AUG 29 1904

W1074

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE ENROLLMENT DIVISION.

In The matter of the application of Jim Landrum Sr., et al for enrollment as Cherokee Freedmen, consolidating the cases of

Jim Landrum Sr et al	Cherokee Freedmen	D	664.
Frances Banks, et al	"	D	698
Belle Landrum	"	D	700
Alice Lynch, et al	"	D	701
Lizzie Allen, et al	"	D	702.
Ed Landrum	"	D	1112.

PROTEST AND MOTION TO REOPEN.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in this case on August 29th 1904 and respectfully moves the Commission to reopen these cases in order that newly discovered additional testimony might be introduced on part of the Cherokee Nation to refute the claims of the applicants.

In support of this motion the Representatives of the Cherokee Nation state that they are in possession of newly discovered testimony which, if introduced would conclusively show that none of the applicants in said cases returned to the Cherokee Nation within the time prescribed by the treaty of 1866 and that among other witnesses they can prove:

First by Abbie Bearden of Neosho Falls, Kansas that said James Landrum through whom all of the applicants claim came to the State of Kansas during the war of the rebellion where he continued to reside, near Neosho Falls, Kansas continuously until about the year of 1869 where he lived with his family and where a number of his children were born and that he did not come back to the Cherokee Nation until after that time.

Second The Nation expects to prove by Thomas Shelton of Neosho Falls, Kansas that he knew the applicants; that they were residents of the State of Kansas from during the Civil War for a number of years thereafter or until about the year of 1869.

Third; The Nation Expects to prove by a daughter of Abbie Bearden and by a number of other witnesses whose names are not now recalled, that none of the applicants herein returned to the Cherokee Nation prior to February 11, 1867 but at that time resided in the State of Kansas where they continued to reside until about twenty years thereafter.

Fourth; That this motion is not made for the purposes of delay, but that the testimony is newly discovered and in order that justice be done.

In support of this motion it might be pointed out that the testimony of the applicant himself as to his return and residence subsequent to the war of the rebellion is very unsatisfactory and the testimony of the applicant in the case of Celia Kirkpatrick V. D. 673, who is a sister, shows that the principal applicant herein is unreliable, that he is unworthy of belief and it is so stated by Commissioner Breckinridge who heard the case in the field.

Attention is also invited to the fact that none of the applicants or other witnesses who testify in behalf of the applicants testify that with no degree of certainty as to the continuous residence of the applicants in the Cherokee Nation subsequent to the war and among the witnesses introduced in behalf of the applicants, John Landrum of Hayden I. T. and Harry Still of Hayden I. T. both known to the Commission to be disreputable witnesses and in the case of Harry Still the Commission has repeatedly found that he himself did not return to the Cherokee Nation and while the name of John Landrum appears upon the roll of 1866 proof can be obtained which will conclusively show to the Commission

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that the said John Landrum himself did not return to the Cherokee Nation within the time prescribed by the treaty of 1866.

Attention is also invited to the testimony introduced in behalf of the Cherokee Nation being that of G. R. Griffith of Vinita I. T. who knew James Landrum at Neosho Falls, Kansas for ten or twelve years which directly contradicts the testimony of the said Jim Landrum and his witnesses and the testimony of George Gravens shows that he knew the applicant in the State of Kansas for a number of years. And in addition to the above witnesses your attention is invited to the testimony of G. W. Learned of Neosho Falls who knew James Landrum also Jack Landrum who is Jim Landrum's brother-in-law witness John in the State of Kansas for a number of years thereafter.

After a careful examination of said case and from an examination of the newly discovered testimony we are firmly convinced that these applicants are not entitled to be enrolled as Cherokee Freedmen citizens of the Cherokee Nation and therefore for the reasons herein above indicated move the Commission to reopen the case in order that this newly discovered testimony might be introduced showing that the said Jim Landrum did not return to the Cherokee Nation within the time prescribed by the Treaty of 1866.

Respectfully Submitted,

L. B. Bell

W. W. Hastings

James S. Landrum

Attorneys for the Cherokee Nation.

V. W. H.

J. C. S.

United States of America,
Indian Territory,
Western District SS.

A F F I D A V I T.

W. W. Hastings of lawful age being duly sworn on oath says that he is one of the Attorneys for the Cherokee Nation, Indian Territory in the matter of the enrollment of Cherokee Freedmen by the Commission to the Five Civilized Tribes; that he has read the foregoing two pages of the motion to reopen the case of Jim Landrum et al; that he is acquainted with the matters and things therein stated; that he believes that the witnesses mentioned in this motion will testify as stated therein; that this motion is not made for the purpose of delay but that justice might be done.

W. W. Hastings

Subscribed and sworn to before me this 14th day of September 1904.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., FEBRUARY 2, 1908.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of JIM LANDRUM SR., ET AL., as Cherokee freedmen.

It appears from the records of the Commission that on January 13, 1908, the applicants, their attorneys, and the attorneys for the Cherokee Nation were duly notified by letter that they would be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, on February 2, 1908, and introduce testimony touching the points mentioned in said letter.

APPEARANCES:

Applicant, Jim Landrum Sr., appears in person and by Attorneys, Blue & Bulger.
Cherokee Nation by its representatives, Bell, Hastings & Davenport.

Testimony introduced on behalf of the Cherokee Nation.

E. B. MOORE, being first duly sworn, testified as follows:

BY THE COMMISSION:

Q What is your name? A E. B. Moore.

Mr. Blue: The applicant objects to the introduction of the testimony of this witness because the pretest and motion for re-opening does not contain his name or any statements to what he will testify.

Commission: Objection noted.

BY MR. DAVENPORT:

Q What is your post office address? A Neosho Falls, Kansas.

Q What is your age? A My age is 37.

Q How long have you lived in or near Neosho Falls, Kansas? A I have lived near Neosho Falls, Kansas, every since the year, 1880.

Q During the time that you lived at Neosho Falls, Kansas, did you get acquainted with a colored man named James Landrum? A Yes sir.

Q About what year did you get acquainted with James Landrum? A I got acquainted with him almost immediately after the close of the war.

Q About what year Mr. Moore do you think it was? A I think I might have met him in 1865, but I knew him in 1866, fall of 1866.

Q Do you know whether or not he had a family at that time? A I think he hadn't at that time.

Q After you learned to know this colored man as James Landrum, which you state was in the fall of 1866, how long did you continue to know him after that time before he went away from the neighborhood where you were living? A At that time he was kind a stopping with his folks there.

- Q Do you remember their names? A Yes sir.
- Q What was it? A He had a brother-in-law, he is now dead, by the name of Tom Daniels, a brother-in-law married Landrum's sister.
- Q Do you know what her name was, the wife of Tom Daniels? A I have heard her name, it seems to me, I don't know whether it is Gelia, I would not be positive about it.
- Q Was he living with Tom Daniels at the time you learned to know him? A I only saw him mingling around with that family and another family that lived on our place, their names were Landrums also.
- Q Do you know the old man of the family that lived on that place at that time? A I don't remember any old man Landrum, I remember the old lady.
- Q What was the old lady's name? A I have forgotten just now, she had a couple of children, one was named July Landrum and another one named Sam I think, they called him Wart.
- Q Where were they living with reference to the town of Neosho Falls at that time? A They lived on my brother's place about a mile from Neosho Falls.
- Q On whose farm? A My brother's.
- Q Do you know whether or not after you got acquainted with James Landrum that he married and had a family? A Yes sir.
- Q Did you ever see his wife? A Yes sir.
- Q Do you know what her name was? A I couldn't tell you her first name.
- Q Where did he live first to your knowledge after he married and had a wife? A After he married he lived for quite awhile down on Mr. Learned's farm.
- Q How far was that from Neosho Falls Mr. Moore? A That place was about two miles south and east.
- Q About how often would you see Jim Landrum after he married?
- A I don't know, I would see him like I would any other neighbor in the country, I might see him once a week and I might not perhaps see him for a month, but off and on.
- Q How long did he continue to live in the neighborhood of Neosho Falls, Kansas, after you knew of his marrying and having a family? A He lived there continuously after his marriage until about 6 or 7 years ago, probably 1898, somewhere along there.
- Q Did you know any of his children or whether or not he raised any children while he was living there? A I knew his children, and I knew his family, can't say I was personally acquainted with them, I knew them, I knew he had quite a family, have been to his house.
- Q Did you learn the children well enough to remember either of their names, or did you just know them? A I used to know one of his boys, I think about the second child perhaps, his name was Ed, if I haven't forgot it, I ain't so very good on names.
- Q You think that Jim Landrum moved away from there about 7 or 8 years ago? A I think so.
- Q Have you seen him since that time? A Not until yesterday.
- Q Where did you see him yesterday? A On the train as I come in.
- Q Between Neosho Falls, Kansas, and Muskogee, Indian Territory?
- A Yes sir.
- Q Did you recognize him as being the same James Landrum that lived at Neosho Falls? A Yes sir.
- Q While his family was living there, they kept house where they lived? A Yes sir, after they lived there some years they moved to the Falls and stayed and lived in Neosho Falls for a number of years, he must have lived there 10 or 12 years in a little shanty he called his own, I have been to his house.

Mr. Blue: I object to the last part of the answer as not responsive to the question.

Commission: Objection noted.

- Q For what purpose did you go to Jim Landrum's house if you had any purpose? A At that time I was running a butcher shop in the Falls and sometimes would go down to make a collection, I went there one night, in the evening like and was talking about his family, he was playing a violin, it looked like there were 8 or 10 there.

Mr. Blue: I object and ask that the latter part of that answer be stricken out.

Commission: Objection noted.

- A I made my business known, I turned away, I asked him if he was having a dance, and he said no that was his family, that was one time, I have been to his house several times while he lived in town.
- Q About how long do you think he lived in the town of Neosho Falls after he left the Leanned farm? A My judgment would be he lived there 10 or 12 years.
- Q What is the population of Neosho Falls? A It is considered 300.
- Q About how large was it when you first went there? A It was just founded when I first went there, that is when I first knew Neosho Falls, when I moved to Neosho Falls that would be different.
- Q That is what I want to know? A That was in 1880, the town was just about as large as it is now, it was incorporated at that time.

BY MR. BLUE:

- Q Do you know my old friend Governor Finney? A Yes sir.
- Q Have you resided there as long as he has? A I don't know when Governor Finney came there as I know of, he has resided there almost as long as I have, that is in that neighborhood, I haven't resided in the city as long as he has.
- Q What place did you go to Kansas? A We first came on my brother's farm about a mile north of Neosho Falls, we rented and stepped there, my father took a claim afterwards.
- Q From what place did you come to Kansas? A We came from Indiana.
- Q You say you resided in Kansas since 1888? A Yes sir 1888 we came there.
- Q You speak in this testimony about another Landrum that you saw Jim visiting in the family, do you remember what the name of that Landrum was? A That was an old lady I know her name, I couldn't call it just then and I don't remember it yet, but as I understood it was perhaps an Aunt of Jim's, her name was Landrum she was the mother of July Landrum, she claimed to be grandmother of cousin of Jim's.
- Q How long had she lived there when you saw Jim about there? A She came there during the war I should judge it must have been in 1862 or 1863, when the Indians all came up and left this nation.
- Q What kind, Indians or freedmen? A Indians and negroes.
- Q You didn't know Jim you say until possibly in 1865, and you are certain you think you saw him in 1866? A Yes sir it was after the war.

- Q Do you know whether or not he had just come out of the services at that time? A As I understood it he and his brother were in the service.
- Q His brother-in-law Daniels? A Yes sir.
- Q You understood they had been in the United States services? A I understood so.
- Q You say you were at his house once in Neosho Falls? A Yes sir.
- Q Who was this man you say that he rented from? A He lived on Learned's place, that was three miles below me, I don't know whether he rented or worked by the month.
- Q Do you know Colonel Leonard of Lawrence? A No sir.
- Q With whom did you first talk about your knowledge of Jim Landrum in this matter of his application before the Commission? A I hadn't talked with anybody until I saw Mr. Keys, he came up there and asked in regard to him.
- Q Judge Keys? A Yes sir.
- Q When was that? A That was about three days ago I think.
- Q At whose expense are you here? A Why his I presume.
- Q Have you been paid to come here as a witness? A I haven't I suppose I will be.

Mr. Davenport: The attorneys for the Cherokee Nation object to that as being incompetent cross-examination. He has no right to question that way, he may ask has he been subpoenaed.

Commission: Objection noted.

- Q Have you been subpoenaed to come here? A Yes sir.
- Q Have you been paid or expect any remuneration? A I expect my witness fees.
- Q It has been a good while since 1865? A Yes sir.
- Q 40 years about now? A Yes sir.
- Q You say you saw Jim Landrum yesterday? A I saw him on the train.
- Q Did you speak with him? A He sir I didn't see him until I got up to go out, about three seats behind me.
- Q Where were you at that time? A I was on the train, just ready to get off here at Muskogee.
- Q That was yesterday's evening train? A Yes sir.
- Q Is this man (indicating by pointing to applicant)? A That is Jim Landrum.
- Q You don't know anything about whether he owned this house in the town in which he lived or not? A Don't know particularly, I understood that he claimed it.
- Q You don't know as to the title to it? A No sir, I don't know as to the title.
- Q You simply know that he lived in what you call a little shanty up there? A Yes sir, it wasn't much of a building.
- Q Can you tell me what year that was? That was, uh, he lived there several years, he must have lived 10 years before he came up there, I don't know as I can call the year at that especial--
- Q Do you know what year you ran a butcher shop there? A It was somewhere about 1890.
- Q That you ran a butcher shop there? A Yes sir, I didn't run a butcher shop very long.
- Q How long? A Perhaps 4 or 5 months.
- Q In what County is Neosho Falls? A In Woodson County.
- Q Have you ever resided in any other County than Woodson County Kansas? A Yes sir.
- Q What other counties? A For the last 7 years I have been keeping hotels up in Montgomery, I have been to Galena, Coffin County, and I have been to Aurora, Greenwood County.

- Q did you keep hotel in all these places? A Well in Cherryvale and Mureka, but in Galena I ran a restaurant there.
- Q You said a moment ago Galena, Coffey County, you don't mean that do you? A No sir I don't mean that, Galena is in Cherokee County, I didn't live in Galena very long but I know when I come to think of it.
- Q You say at one time that Jim Landrum lived on your brother's place? A No sir I didn't say so.
- Q I didn't understand you? A Some of his folks lived on his place, this Charity lived on my brother's place and my father with his family lived on his place when he first come there.
- Q You say when you first knew Jim he wasn't married? A No sir.
- Q He didn't have any family or wife that you knew of at that time? A No sir he was just visiting his relatives.
- Q You said awhile ago he was mingling or visiting around there, how long did he continue to do that way? A I don't know anything much about him at that time.
- Q At that time he didn't have any permanent place of abode? A No sir.
- Q Did you know a man by the name of Asa Saferite? A Yes sir.
- Q Did he live in the same County with you in Kansas? A The first time I knew of Asa Saferite he lived at LeRoy, and owned a mill in Coffey County.
- Q Did he come over into Woodson? A Yes sir.
- Q When? A I couldn't tell you the dates, he lived there quite awhile on a farm about a mile and a half west of Neosho Falls.
- Q Isn't it a fact that the old lady Landrum lived on his place? A It might have been his place in this bend, it was down in the woods where my brother owned a farm. There was a little piece of land that didn't belong to my brother down there where the river makes a bend, we lived up here on the east edge, they might have been on that little strip of land.
- Q It belonged to Saferite? A It was in that bend, there is 15 or 20 acres of land that belongs to a place laying east of my brother's, and they might have been on that.
- Q Did you know Dr. John Jones? A Yes sir I used to and know him yet.
- Q Does he live there yet? A No sir.
- Q Where does he reside now? A He is in California somewhere.
- Q As a matter of fact wasn't this little shanty you speak of that Jim Landrum lived in the property of Dr. Jones? A Dr. Jones had a mortgage on a team of Jim's and he might have had a mortgage on the house.
- Q You don't know about that? A I told you before I don't know about the title.
- Q Do you know who the title was in? A I understood it was his.
- Q Who? A Landrum's.
- Q Do you understand that from your own personal knowledge? A I have always understood it as his, yes sir I understood it was Landrum's.
- Q Did you ever see the title to it? A No sir.
- Q What is the personal knowledge that you are speaking from? A From general information as a man would naturally gather.
- Q That is you saw it? A No sir I never examined the records.
- Q When did you reach here in Muskogee? A Last evening about nine o'clock I guess.

- Q You had a conference with the Cherokee Attorneys have you? A Why only with Mr. Keys.
- Q After you came here? A Well I met them and were introduced to them.
- Q You talked this matter over with them and other witnesses in the case? A I had some little conversation.
- Q And Mr. Larned and other witnesses talked this matter over? A I don't remember the gentlemen's names, Mr. Hastings and Mr. Davenport.
- Q Did you talk it over with the other witnesses? A Yes sir I think they were all in there.
- Q At the time you say you first saw Jim Landrum you were only a boy? A I didn't say I was only a boy, but I wasn't very old.
- Q Not over 17 or 18? A About 18.
- Q Were you married at that time? A No sir.
- Q Have you since married? A Yes sir.
- Q In what business are you now engaged? A I am not in any particular business, I own a place in Neosho Falls and a piece of land, I don't work it I rent it out, I am a farmer, if anything.
- Q What did you say this old lady Landrum's name was? A I understood it was Charity.
- Q You say she had a son named what? A I understood those were her children, one named July and one Sam.
- Q At that time about what size children were they? A I remember July most especially, he was very small, just a kid, and had to go by our place as I said before and he was very shy, I remember scolding him a goodmany times, and I have reason to remember him very distinctly.
- Q Do you know whether that family of Landrums were any kin to Jim?
- A All I know is that I understood they were related.
- Q You don't know sir? A Don't know, I haven't looked up the family record.
- Q How long did you remain in Woodson County after 1865? A That has been my home since I came to Kansas, outside of this business I have already stated when I was out keeping hotel, and when I left there to go to Cherryvale, that was the first place I went to, went there in 1893, I have been there.
- Q After 1893 you moved about from place to place? A I was at Galena and Eureka after that, and just a year ago this month, the 15th I left Eureka and have been living at home again.
- Q You mean that in Woodson County? A Yes sir, Neosho Falls, I have always been in touch, I always took the paper.
- Q From 1893 until a year ago, you didn't reside in Woodson? A I didn't reside there.
- Q Then you left in 1893 and lived at different places? A Now in the meantime during that spell I was back a year, I came back home in '91 I believe, that dry spell, lets see, about, I mean about 1901, and stayed a year during this period I said I was away. I was away about four years, went back and stayed one year, and went away again.
- Q You went away in 1893 came back and stayed a year and then was away in 1901, and came back last year? A Yes sir.
- BY MR. DAVENPORT:
- Q Do you mean you went away in 1893? A I went to Cherryvale in 1893.
- Q How many years has it been since you went away? A That was from '93 up to the present time, I don't mean 1893, I mean 1897, I got mixed up. I went away to Cherryvale in 1897, and I was away about three years and I was back then in 1901.

Q Then when you stated 1893 a moment ago you didn't mean it? A No sir, I meant 1897, I was away about six years all told.

BY MR. BLUE:

Q What hotel did you keep in Cherryvale? A I runed what was called the Logan house, near the Memphis Depot at that time.

Q What hotel did you run in Eureka? A What was called the Fourth Avenue, right north of the public square opposite the Court House.

Q Then you went from there to what place? A From there home, back to Neosho Falls.

Q Did you only run the two hotels? A I was at Galena awhile.

Q What restaurant did you run at Galena? A I runed the Silver Moon, I wasn't there very long, about four months I believe.

Q Do you say you were some place in Crawford County, or was it Galena you meant to say? A That was Galena, that is in Cherokee County.

BY THE COMMISSION:

Q You say you first got acquainted with the applicant here, Jim Landrum, in the fall of 1866? A Then is when I knew of him, I stated I believe I might have known him in the fall of 1866, but to make positive I knew him in the fall of 1866 and 1867.

Q How far was he stopping from where you were staying? A As I said I hardly know where he stopped, I knew he visited this family, I don't know whether he visited up and down the river or not, being single he had no regular home.

Q How often did you see him from the fall of 1866 up during the winter of 1867? A I couldn't tell you how often.

Q Could you give me an idea? A I don't know as I could, I would meet him off and on as I said, I knew of him there, the fact of his family connection.

Q When was he married? A I didn't state, I understood he was married about 1868.

Q He married in Kansas? A I think in Kansas, about Neosho Falls, he got a woman up the river there.

Q You didn't know his wife prior to her marriage to him? A No sir.

Q Have you known this applicant continuously here until he removed away some 7 or 8 years ago? A Yes sir.

Q You would see him off and on? A Yes sir just like you would see any neighbor in a settlement, probably might be a month, might see him once a week and probably a couple of months, I couldn't say exactly.

Q You never heard of his coming away or moving off? A No sir never did.

Q Did you know of his ever being considered a citizen up there?

A Yes sir he voted at Neosho Falls up there.

Q You would see his children about there would you? A Yes sir, I see his children and a good part of his family there in Neosho Falls.

Q Did you ever talk with him anything relative to his being absent from the State of Kansas, ever hear him say anything about that?

A Never did.

BY MR. BLUE:

Q Were you at his wedding? A No sir.

Q Then you don't know anything about when he married only by hearsay? A As I said I understood he married about 1868.

Q That is hearsay, you don't know? A I wasn't at his wedding, and I didn't know his wife.

- Q You don't know who he married? A Didn't know her no sir.
Q Did you see him after in Neosho Falls? A I presume I have.
Q I am not asking you for presumption? A I have seen him there.
Q At what location? A Divers location at different times.
Q You saw him deposit his ballot? A I don't know as I went right in the booth with him, I have seen him at the poles and vote.
Q You just said a recent age you have seen him at divers time, now as a matter of fact, you never saw him deposit his vote?
A No sir I would not say that as I saw him hand his vote.

Mr. Blue: I object to this mere hearsay testimony and ask to have it stricken out.

Commission: Objection noted.

- Q You say you didn't talk with him anything about being absent from Kansas? A I have not.
Q Did you speak with him yesterday at all? A No sir.
Q When did you last speak with him if you remember? A I couldn't tell you, it has been 7 or 8 years ago, I haven't seen him since he come to the Territory, he left about the time I left.
Q About the time you left? A Yes sir, I think, maybe a little afterwards.
Q You don't know about that Mr. Witness? A He left in 1892.
Q Do you know that personally? A That is I tell you I was away, I went away in 1897 and he went after I did.
Q Then you were not there when he left? A No sir I was there, he wasn't there when I came back.
Q That is about the information you have about it? A That is all the information I have got, as I have.

C. W. LEARNED, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

- Q What is your name? A C. W. Learned.

Mr. Blue: I object to this witness for the reason that his name was not given as one of the witnesses which would testify in this case or any statement that he would testify to in the pretest and motion for re-opening.

- Q What is your age? A 49.
Q Your post office address? A Neosho Falls, Kansas.
Q How long have you lived in or near Neosho Falls, Kansas? A Ever since 1857.
Q During the time you lived at Neosho Falls, Kansas, did you ever get acquainted with a colored man by the name of James Landrum?
A Yes sir.
Q About what year did you first get acquainted with him? A 1848 is my first recollection.
Q Where was he living at that time if you remember? A Living down there on my farm between the lake and the river.
Q On whose place did you say? A On learned's.
Q Was he any relation of yours? A Yes sir, my father.
Q Did Jim Landrum at that time have a family or wife? A Not when he first came there, he was just married.
Q Do you remember his wife's name? A Margaret.

- Q How long did he continue to live on your father's farm near Neosho Falls, Kansas, after he and his wife came there? A 18 years I think.
- Q Did they have any children? A Not when they first came.
- Q Did they have any children born to them during the time they lived on your father's farm? A Yes sir.
- Q Do you know about how many? A No not that I know of as how many.
- Q Name them as near as you can in rotation of their ages, the oldest ones first? A Her name is Alice, they called her Babe.
- Q Do you remember the next eldest? A There is one named Ed a boy, one named Frances, she was named after my mother.
- Q You say Frances was named for your mother? A Yes sir, one named Jessie after my sister, but I think she is dead, and then there was a boy called John and one named Lit, Sis they called her, two of them I see them out here in the hall.
- Q What was you said about seeing them in the hall? A Yes sir, I saw them in the hall awhile ago.
- Q They are present here today? A I saw three of them here awhile ago, Alice, Sis and Lit.
- Q Have you seen here today the James Landrum that you spoke of as having lived on your father's farm, that lived near Neosho Falls, Kansas? A He sits right here. (indicating the applicant, Jim Landrum).
- Q Can you state whether the children you have named as being the children of Jim Landrum and his wife Margaret, were born during the time they lived on your father's farm? A Yes sir I think they were.
- Q Do you know where James Landrum and his family moved to when they left your father's farm? A They moved to town, Neosho Falls, Kansas.
- Q About how far from Neosho Falls is your father's farm? A About two and a half miles.
- Q Do you know what year they left Neosho Falls, Kansas, that is Jim Landrum and his family? A I don't know just what year he left there when he came down here, about 7 or 8 years ago.
- Q Since you got acquainted with Jim Landrum and his wife in 1888 have you resided in or near Neosho Falls, Kansas? A All the time yes sir.
- Q What business during that time have you been engaged in, if any? A I was farming awhile and then I was buying cattle and then went into a clothing store four years ago.
- Q About how often during the time that Landrum and his family lived on your father's farm would you see them? A Quite often, see some of them pretty near every day.
- Q Did you see them after they moved to town? A Yes sir.
- Q Do you know in what part of the town they lived after they moved to town? A Yes they lived in two different parts, in the north part awhile and then in the east part down at what is called Simon Grove.

BY MR. BLUE:

- Q You say you live in Neosho Falls? A Yes sir.
- Q And have resided there how long? A Since 1887.
- Q Were you there when President Hayes visited Neosho Falls?
- A Yes sir.
- Q Were you there when Governor St. John introduced him? A Yes sir.
- Q Do you know my old friend, Governor Finney? A I guess so have known him ever since I have been there, I think I heard you speak at Yates Center.

- Q You have testified to some matters here, were you present at the birth of any of these children? A No sir.
- Q About what year was it when you first knew Jim Landrum? A About 1868.
- Q You didn't know him prior to that time? A I couldn't say, no sir.
- Q Was he a married man when you first become acquainted with him? A Yes sir, he came to our house to work.
- Q You mean came to your father's house? A Yes sir, he worked for father and his wife for mother.
- Q Did he live in a cabin or a little shanty on the land there? A Yes sir.
- Q During the time that you knew him there you say there were several children that came but you were not present at the birth of any of them? A No sir, I went to school with some of them.
- Q Did you have mixed schools up there in your district? A Yes sir.
- Q What did you say Mrs. Landrum's name is? A We always called her Margaret.
- Q Do you know where Jim had lived prior to the time he came to your father's farm? A Yes sir.
- Q How old were you then? A About 12 years old.
- Q You were a mere boy? A Yes sir.
- Q It has been now nearly 40 years since you say you first saw him, about 37 years? A Yes sir.
- Q When did you say Jim left your father's place? A I said he was there about 18 years.
- Q On your father's place? A Yes sir.
- Q And then moved to town? A Yes sir.
- Q Were you living in town when he moved to town? A I ain't sure whether I was living in town or in the country then.
- Q You say you are merchandising now? A Yes sir, I have been for about four years.
- Q In Neosho Falls? A Yes sir.
- Q Prior to that time you have been a farmer? A Farming and buying cattle.
- Q Then your whole business life has been on a farm, buying stock, and in a store? A Yes sir I went in a store in 1902.
- Q Are you acquainted over at Yates Center? A Yes sir.
- Q How long have you been acquainted over there? A Ever since there has been a Yates Center I guess.
- Q Yates Center didn't exist at the time you became acquainted with Jim Landrum? A No sir.
- Q Do you know Mr. Wayne over there? A Yes sir he is a druggist.
- Q When did you first talk about this matter of Jim Landrum's residence in your county in Kansas before coming down here? A When do you mean, this time.
- Q Have you been here before? A Yes sir.
- Q When were you in the Territory before? A I was down here in 1902.
- Q For what purpose were you here then? A For the same purpose I am here for now.
- Q To testify for the Cherokee Nation in these applications? A The same as I am now.
- Q Have you ever testified in this particular case before, in this Jim Landrum case? A Yes sir.
- Q How many cases have you testified to at different times on behalf of the Cherokee nation? A This is the second.
- Q What were the other case? A The same thing.

- Q Do you mean by that that this is the second time you have testified in this one case? A This Landrum case, yes.
- Q Have you ever testified in any other application in the Cherokee Nation? A No sir.
- Q When was your attention first called to the testimony that you would give in the Landrum application? A I don't know when it was when Mr. Keys was there but sometime in 1902.
- Q Did you in pursuance of your conversation with Judge Keys come here at that time and testify? A I think it was that time.
- Q Where was it, at Muskogee? A Here yes sir in Muskogee.
- Q Was your attention called to this evidence that you are now giving at the time you testify before in this case? A I came down to give testimony in the same case as I have before.
- Q Was the testimony you then gave the same in substance as you are now giving? A I think so, something like.
- Q Have you conversed with the Cherokee Attorneys since you came here this time? A No.
- Q Were you in any conversation with the Cherokee Attorneys and the other witnesses this morning in regard to this application?
- A I think they were talking some in here, Keys talked to me up there.
- Q Keys talked to you about the matter in Kansas? A Yes sir.
- Q Did you have more than one conversation with him about it? A I think we talked several times about it.
- Q Did you see him more than once up there? A I saw him twice, this time and the other time.
- Q Then you saw him in 1902 and recently did you? A Yes sir.
- Q Each of those times you talked the matter over with Judge Keys, did you? A Yes sir.
- Q What compensation do you expect to receive as a witness in this case? A I suppose that is left with them.
- Q Have you been subpoenaed here as a witness? A Yes sir.
- Q Do you expect any other compensation that you expect to receive for your mileage and your transportation for coming here? A Yes sir I suppose that is what it will be.

BY MR. HASTINGS:

- Q You don't expect anything else than the usual witness fees and mileage? A No sir.

BY MR. DAVENPORT:

- Q Upon your cross-examination you stated about going to school with Jim Landrum's children, did they have mixed schools there at Neesho Falls at that time? A Yes sir but district school and city schools are all mixed.
- Q You were going to the District school at that time? A Yes sir.
- Q Do you recall any especial instance that you positively know that you met Jim Landrum? A Yes sir, on account of a man named Booth winks, that got into trouble.
- Q Who was it that he got into trouble with? A He came down there and we went down to the lake fishing and I told him the colored people were having a meeting there across the lake and we went over there to see it, it was at Jack's house, his brother's.
- Q Who did he have trouble with? A He had trouble with Jim here, I don't know how it started but he invited Jim out, he wanted to shoot him.
- Q Do you know whether Jim was a witness in the case? A I do not.
- Q Have you examined the Court record to know whether that was in 1888? A Yes sir.

Mr. Klue: I object, the record is the best evidence.

Commission: Objection noted.

- Q Did you know him before that time? A I might have known him but I recollect that on account of that trouble.

BY MR. BLUE:

- Q Were you present when this conversation took place between he and Booth Hanks? A Yes sir I was present there with them.
- Q You spoke of somebody getting into trouble about getting into the store, who was that? A That was Hanks.
- Q How was that with reference to the time you heard this conversation over there with reference to the colored people? A That was after this.
- Q Was Hanks a white or colored man? A A white man.
- Q What year did you say that was? A In 1868 I believe.
- Q Do you know what month in 1868? A I think it was the last of August or the middle of September.
- Q You don't know how long that was after the trouble you say you heard until Hanks was arrested for breaking into the store?
- A It wasn't very long, I don't know exactly.
- Q At whose place was it you said Booth Hanks tried to get into a difficulty with the negroes? A On my father's brother's place, at Jack Landrum's.
- Q Did Jack Landrum also live on your father's place? A It was my father's brother's place.
- Q Well it wasn't your father's place? A Not where Jack lived.
- Q How close was it to your father's place? A Joined the line.
- Q What was going on over there amongst the colored folks? A They were having a meeting.
- Q A religious meeting? A I think so.
- Q And this man Booth tried to disturb it? A Yes sir.
- Q You don't know what month that was do you? A It was either the last of August or first of September, along there somewhere.
- Q Do you know whether there was a minister there or not? A No I don't.
- Q Do you remember who was their pastor at that time? A They had several fellows would come up and preach and talk.
- Q They were having preaching over there at that time? A Yes sir.
- Q Was there a meeting house there? A No sir, it was out in the woods.
- Q Do you know anybody else that was there besides Jack and Jim Landrum? A I think there were others there but I can't call their names now.
- Q Can't call the names of any of them? A No sir.
- Q You don't pretend to say Mr. Learned that Booth Hanks was arrested for disturbing their worship? A No sir.
- Q Then you want to say he was arrested afterwards for breaking into a store? A Yes sir.
- Q No arrest followed that? A No sir.

J. A. LYNN, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

- Q What is your name? A J. A. Lynn.
- Q What is your post office? A Neosho Falls, Kansas.
- Q Your age? A 34 last September.

Mr. Blue: The attorney for the applicant objects to the testimony of the witness for the reason that his name was not given as a witness on the motion and protest for the re-opening of this application, nor was the testimony which he is about to give referred to in said notice and protest, and the applicant has had no notice of the presentation of this witness upon this application.

Mr. Davenport: The representatives of the Cherokee Nation desire to call the attention of the Commission to the wording of the protest in the third paragraph thereof: "The nation expects to prove by a daughter of Abbie Bearden and by a number of other witnesses whose names are not now recalled, that none of the applicants herein returned to the Cherokee Nation prior to February 11, 1867, but at that time resided in the State of Kansas where they continued to reside until about twenty years thereafter," and further to the fact that under the law in force in the Indian Territory, put in force by the United States Government upon the question of taking testimony, you are not required to give all the witnesses names or any of the witnesses' names that you desire to use to prove any fact which you set up in your motion.

Mr. Blue: The Attorney for the applicant objects further for the reason that the paragraph in said protest and notice is too indefinite to put the applicant upon proof in rebuttal of any testimony that may be offered or given by this witness, and that it does not comply with the rule of Courts upon an application for a new trial, which requires that the testimony which has been newly discovered shall be given and the name of the witness by which it shall be proven also set out so that the opposite party may prepare to meet the testimony of that particular witness with proper rebuttal.

Commission: Objection noted.

- Q How long have you lived in or near Neosho Falls, Kansas, Mr. Lynn? A Since 1864.
- Q Since 1864 I will ask you if you got acquainted with a colored man by the name of Jim Landrum? A Yes sir.
- Q About what year did you learn to know him by name? A That date, to say a date is hard for me to do, I couldn't say a date when I first knew him.
- Q Well about what year did you learn to know him as being Jim Landrum? A I couldn't say a certain date.
- Q How many years was it after the war or about how many years that you first learn to know him as Jim Landrum? A To say just when I got acquainted with him ----
- Q Where was he living when you first knew him? A He was living on Mr. Learned's farm.
- Q Do you know whether or not he was married at that time and had a family? A I am satisfied that he was married, living there at that time.
- Q After you got acquainted with him how long did he continue to live to your knowledge in or near Neosho Falls, Kansas? A Until 7 or 8 years ago, I think he moved away.
- Q Did he continue to live on the Learned farm all this time? A No sir.
- Q About how many years after you got acquainted with him did he remain on the Learned farm? A I can't say just what year he moved away from there.
- Q Can you say he lived there one year or six months after you got acquainted with him? A He lived there several years.
- Q Do you know whether he had any children at the time he removed from the Learned farm? A Yes sir.
- Q Do you remember the names of any of them? A I remember the names of three.

- Q What were they? A Alice, commonly called Babe, Ed and Frances.
- Q Have you seen Jim Landrum since he moved away from Neosho Falls, Kansas? A Yes sir.
- Q When did you see him first since that? A Last night.
- Q Have you seen him since last night? A Yes sir.
- Q Where? A Here in the room.
- Q Have you seen either one of the children that you have mentioned since you have come here as a witness? A Not as I could recognize since I have seen the children to know them, I was only better acquainted with Ed.
- Q After they left the Learned farm they moved into the town of Neosho Falls? A Yes sir.
- Q Do you know about how long they lived there in the town after they left the Learned farm? A They lived there several years, I couldn't say.
- Q While they were living on the Learned farm how near did you live to that farm? A In a part of the time I lived a little over a mile from it perhaps a mile and a half, a part of the time he was living on that part I was living on part of the Learned farm there were two Learneds, William and Homer. I lived on William's and he lived on Homer Learned's farm. He lived on the southwest bank of the lake and I lived on the north bank.
- Q How often would you see them during the time you lived on the Learned farm? A I don't know that is a hard question to tell how often I saw them.
- Q Did you see them once a year? A I taught school across the river from there some went near his house, sometime he would be at my house.
- Q Did he farm while he was living on that farm? A Yes sir he farmed some land.
- Q What did he do after he moved to town that you know? A I think he just worked around there, I don't recollect of him farming any after he moved to town.
- Q You think he moved away from Neosho Falls, Kansas, about what year or how long ago? A About 7 or 8 years ago, I knew when he moved away, but to say the date, I couldn't do that.

BY MR. BLUE:

- Q What is your business? A Farmer.
- Q You spoke of having taught school? A Yes sir, I taught school eight months one summer.
- Q You came you say to Woodson County in 1864? A Yes sir.
- Q Have you resided there ever since? A Yes sir my home has been in that same school district ever since.
- Q That same school District, do you mean by that the School District in which you taught? A No sir.
- Q Have you ever testified before for the Cherokee Nation in any case here? A No sir.
- Q What remuneration do you expect for testifying here, if any? A Nothing more than my mileage and fees.
- Q Who has talked with you with reference to Jim Landrum up there? A Mr. Learned is the first one.
- Q You and Mr. Learned talked it over some did you? A Yes sir.
- Q Have you talked it over with Mr. Learned since you came here? A Yes sir as we came down.
- Q Did you talk it over in the presence of the Cherokee Attorneys since you came here? A Yes sir.
- Q You know Mr. Hastings, the gentleman there behind you? A Yes sir.

- Q You know Mr. Davenport? A I met him here.
- Q You know Judge Keys? A Yes sir.
- Q He came up to your county? A Yes sir.
- Q You know Judge Keys and Mr. Hastings? A Yes sir.
- Q Was this matter ever suggested to you, to what you would testify in this case by Judge Keys? A He asked me about the case of course.
- Q When was that, the first time? A Day before yesterday.
- Q Did you ever see him before that time? A Not to my knowledge.
- Q Then you talked the matter over with him up in Woodson County?
- A Yes sir.
- Q And you and Mr. Learned have conversed it over since that time?
- A Yes sir.
- Q You say you recognized Jim Landrum here this morning? A Yes sir.
- Q He is the same man you think you saw up in Kansas? A Yes sir.
- Q You say you didn't know much about his children, do you remember the name of his eldest? A I think it was Babe as far as I know or Alice.
- Q You say you know Ed? A Yes sir.
- Q Did you know any of the rest of them? A Just as a person would know his neighbor's children, Ed, I have worked with him.
- Q Has it been sometime ago since you saw any of them? A Yes sir quite awhile, I think it has been 16 or 17 years since I saw him.
- Q How old were you in 1864? A I was 14 years old, I was born in 1850.
- Q Did you reside on one of the Learned farms? A The first winter after I was married and the next summer and part of the next winter.
- Q Then you knew Ed while you lived on that farm, I mean Jim? A Yes sir I knew him.
- Q After he moved to town you didn't know so much about him? A But I saw him frequently.
- Q And since he left Kansas the first time that you remember of seeing him was last night? A The first time I remember him after he moved from there.
- Q That is what I mean? A Yes sir.

BY THE COMMISSION:

- Q Can you give the Commission an idea as to how long it was after you went to Kansas until you got acquainted with Jim Landrum?
- A As I said I couldn't state the date or anything that way, there is nothing to call my mind to it that I can recollect. I can tell you some things that I recollect around there.
- Q Have you no idea as to how long it was? A The only way I could tell is when I was living on that place.
- Q When did you go on the Learned farm? A I went on the Learned place in November of 1876, I was acquainted with him long before that but I couldn't say how long.
- Q Several years? A Yes sir.
- Q When did you teach school in Kansas? A I began in the winter of 1872.
- Q Did you know him at that time? A Yes sir, knew him before that.
- Q Where were you living in 1872? A My home was on the , right there on Section 27.
- Q Did he live on the same section? A No sir he lived over in section 3 and 4 in Town. 24, I was in Town. 23.
- Q You knew him continuously then up until he left Kansas? A Yes sir.

B. B. MOORE, being recalled for further cross examination, testified as follows:

BY MR. BLUE:

- Q Mr. Moore have you ever testified in any other of these applications for enrollment in the Cherokee Nation? A No sir.
Q Is this your first testimony in any of them? A It is.
Q Have you ever been in the Territory before? A Yes sir, about five years ago.
Q Were in here before for the Cherokee Nation? A No sir, I was really afraid to come down here, I was afraid of the Indians, but I did venture in.
Q Are you able to recognize any of these people here (indicating)? A I think that is part of Landrum's family.
Q Which one? A I never knew their names, don't suppose I would if they had lived in Neesho Falls up to now.
Q Would you swear that they are his family? A I don't know whether it is or not.
Q You don't know anything about that, only whether it is or not? A I aint sure about these.

BY MR. HASTINGS:

- Q You are ready to recognize Jim Landrum there? A Yes sir.

BY MR. BLUE:

- Q Do you know this young man here (indicating)? A I don't know as I do.

CHEROKEE NATION REITS.

The following testimony was introduced on behalf of the applicants.

CHARLES LYNCH, being first duly sworn, testified as follows:
Witness being sworn by Wm. O. Beall, Notary Public.

BY THE COMMISSION:

- Q What is your name? A Charles Lynch.

BY MR. HASTINGS:

- Q Have you ever been convicted of anything? A Yes sir.
Q What? A Railroad robbery, Fort Smith, Arkansas.
Q Convicted in the United States Court there? A Yes sir.
Q When? A In 1887.
Q In 1887? A I think it was.
Q Were you convicted in Judge Parker's Court? A Yes sir.
Q Robbing a railroad? A Yes sir.
Q That is what you were convicted for? A Yes sir.

Mr. Hastings: Come now the representatives of the Cherokee Nation and respectfully objects to this witness being permitted to testify because under his own statement having been convicted of an infamous crime is disqualified under the law.

Commission: Objection noted.

Mr. Blue: The record is the best evidence of the offense with which this party was charged, if charged, and of his conviction if there was any.

Mr. Hastings: In answer to the above answer of Attorney for applicants the Attorneys for the Cherokee Nation desire to call attention to the fact that this witness admits himself by his own mind that he was convicted, and it is the only way to disqualify a witness upon the stand, because the other side is not served with a notice of what witnesses are going to be called to the stand and if they were the rule that the record would have to be gotten in each case, then no witness would ever be disqualified from testifying, because it would be impossible for Attorneys representing law suits to go around all over the United States the record of the conviction of every person in their pocket ready to be drawn out on that party ready to take the stand.

Commission: Objection noted.

BY MR. BLUE:

- Q Were you pardoned? A No sir.
- Q Do you know the applicant, Jim Landrum? A I do.
- Q How long have you known him? A I have known him since '67.
- Q Where did you first see him, do you recollect? A On Grand River.
- Q In the Cherokee Nation? A Yes sir.
- Q About where on Grand River, if you remember? A It was on the south side of Grand River in Saline District.
- Q Was he married at that time, if you remember? A I don't really know whether he was or not.
- Q Do you know his wife? A I do, yes sir.
- Q Are you acquainted with his family? A Yes sir.
- Q About how long have you been acquainted with his wife and children? A I couldn't give you the exact date that I got acquainted with them, a number of years, but I can't give you the exact date, several years ago.
- Q Do you know the names of any of his children? A Yes sir I know the names.
- Q You may give the names as far as you can call them? A The oldest one is Ed Landrum, Alice Landrum, Belle Landrum, and boy named Johnnie.
- Q Do you recall any other? A There are quite a number of little ones, I disremember all their names.
- Q Where has Jim Landrum and his family resided since you first became acquainted with him, if you know? A Part of the time when I first knew him on Grand River with his father, helped him make his place down there, he went away from there and was gone quite awhile, and where he went I don't know, but he returned and the next time I saw him his wife was with him, two or three of the children, and goes back again away from there, I don't know about 12 or 13 years have been 10 or 12 years his whole family moved into Vinita where I am living now and they have been there since, where he was back and forth he better know himself, I don't know.
- Q Has he and his family resided in Vinita in the Cherokee Nation for 12 years last past? A Something like that I would not be positive as to the dates.

- Q After he returned to Vinita as you stated, did he remain there continuously from that time until now? A Yes sir.
- Q How about his wife and children, were they there also during that time? A Yes sir.

BY MR. DAVENPORT:

- Q How old are you Charley? A 44 3rd day of last January.
- Q You saw Jim Landrum you say in the Cherokee Nation in 1897?
- A Yes sir.
- Q How old were you then? A I was just a boy.
- Q Well how old were you? A I was about 6 or 7 years old.
- Q What makes you remember that it was in 1897? A Well what makes me remember was is at that day and time there wasn't very many people around there and when one come around there and was made acquainted he coming backwards and forwards a person would not forget them.
- Q Had you known Jim Landrum before the war? A No sir.
- Q Then you were not very well acquainted with him? A Not until he come there that time.
- Q Did he stay at your house where you were living at that time?
- A About a half mile from there.
- Q You have never testified in this case before have you Charley?
- A No sir.
- Q How long do you say now that Jim Landrum stayed in the Cherokee Nation the time you claim you saw him there in 1897? A I didn't say cause I don't know.
- Q Who were you living with at that time? A My dad and mama.
- Q What was your father's name? A Simon Lynch.
- Q And you remember at the age of about 7 years of seeing him who come to your father's house 37 years ago do you? A I suppose so if it was that number of years, hawn't counted it to see how long it is.
- Q Jim Landrum has been living there in Vinita for a number of years?
- A Yes sir.
- Q And has been having this contest as to his citizenship? A That contest.
- Q Ever since he has been in Vinita his citizenship has been pending?
- A I don't know.
- Q You have lived there near him ever since he come there in 1897?
- A I don't know.
- Q He wasn't living in Vinita when the Kern-Clifton rail was being made in 1896? A I don't know.
- Q You were living there were you not? A Yes sir living there longer than that.
- Q Don't you know he wasn't living in Vinita in 1898 and 1899? A I don't know anything about that.
- Q Don't you know when the testimony in freedom cases was taken, Jim Landrum wasn't there? A I don't know.
- Q Can you tell me within three years of what time Jim Landrum moved from Neosho Falls, Kansas, to Vinita? A I don't know.
- Q Can you tell me a man other than Jim Landrum that you claim you saw in Grand River in 1897? A Yes sir.
- Q Well who was it whose family wasn't living there that you say?
- A That his family were not living there.
- Q Yes, a man you came to that country that didn't have his family, living in that neighborhood at that time? A He didn't come there he stopped there in a half mile of me is the way I remember him.

- Q Tell me another man who had no family that lived in that community who was helping his father making a farm in 1867? A I don't know.
- Q Who was Jim Landrum's father? A George Landrum.
- Q Was George Landrum living on Grand River in Saline District in 1867? A Yes sir.
- Q What part of the year of 1867 was George Landrum living in Saline District on Grand River? A In the fall of '67.
- Q It was in the fall of 1867 that you first saw Jim Landrum in the Cherokee Nation in Saline District as you claim? A Yes sir.
- Q How long had you been living there near where you saw him? A 12th day of March, 1866, is when my father moved there.
- Q Do you remember it? A I do.
- Q You had been to Kansas to land you? A No sir.
- Q Then you are positive that Jim Landrum wasn't there about his father's before the fall of 1867? A No sir.
- Q What do you mean by no sir, whether he was or wasn't? A I am not positive of his being there but he hadn't made no farm before that.
- Q Had you see him in the Cherokee Nation before the fall of 1867? A No sir.
- Q You say he went away from there and was gone how long? A I didn't say cause I don't know.
- Q Did you ever know of Jim Landrum and his wife and children and living and keeping house anywhere in the Cherokee Nation prior to 1896? A I couldn't say.
- Q Did you ever know of them moving from Kansas to the Cherokee Nation and living before 1897 the time they moved to Vinita? A No I never knowed them to move.
- Q Did you ever visit them at Neosho Falls, Kansas? A No sir never was in Neosho Falls in my life.
- Q When was the first time you ever saw Ed Landrum? A It was the first trip I saw him and his wife, he had Ed.
- Q When was that? A That was sometime after '67.
- Q It was sometime between 1867 and February 2, 1905? A Yes sir.
- Q Ed is not living in the Cherokee Nation now, is he Charley? A Not that I know of.
- Q Did he ever live here? A Only as I saw him with his mother, when they came over and stayed awhile.
- Q When was the last time you ever saw him in the Cherokee Nation? A It has been about a year I reckon.
- Q How long in 1902 when he came down here and made his application? A I saw him 9 or 10 months ago.
- Q Are you any relation to Jim Landrum? A No sir.
- Q When did you first impress your knowledge as when Jim Landrum came back to the Cherokee Nation with his wife? A The first time they asked me today.
- Q You didn't come down here as a witness in this case? A Yes sir I did.
- Q What did they know about what you were going to testify to? A I never saw his Attorney.
- Q Do you know anything about Jim Landrum and his family living at Neosho Falls, Kansas, for years? A I don't know anything about it, couldn't tell you.
- Q When did you first see Alice up there? A Long time ago.
- Q When did she first move to the Cherokee Nation to live? A I saw her when she was a minor with her father and mother.

- Q Who else lived near Grand River at the time you claimed you saw Jim Landrum? A Several neighbors lived there, Jordan Thompson.
- Q Tell me one that is not dead, if you know, can you tell me one that is living now that lived over there then? A Yes sir.
- Q Who is it? A Andy Frye.
- Q Can you tell me a freedman or whiteman that lived in that country at that time, who is now living? A I tell you who lived over there, that Benge boy.
- Q Did they have a name? A Ose and Cate.
- Q Where did you do your trading and get your mail at the time you saw Jim Landrum as you say? A Along them times there wasn't any mail.
- Q You mean there were no letters in 1867? A Not around us, no place to get any.
- Q Didn't you have no place where you went to town? A Had a country store out there named it Johnson Thompson's.
- Q Johnson Thompson was running a store out where that brick house is on Grand River at the time you saw Jim Landrum in the Cherokee Nation was it? A I don't know.
- Q Was Johnson Thompson a running that country store out there on Grand River in 1867 when you claimed you saw Jim Landrum in the Cherokee Nation? A That is the only place I knew of.
- Q You can answer that yes or no Charley? A I have answered to the best of my knowledge, I don't know positive as to whether he was running it at that date, it is more than I can answer.
- Q Was Johnson Thompson living on Grand River where he afterwards or sometime after the war at least had a store, at the time you saw Jim Landrum as you claim in 1867? A I told you I couldn't answer that directly, I don't know whether it was just that date or not.
- Q You have stated positively that you saw Jim Landrum on Grand River in 1867? A Yes sir.
- Q Now why can you not state some other fact with the same deftness as you state that fact? A He run the store for a number of years I couldn't tell you when it started or how long he was there.
- Q Would you not remember as much about a store being ran in the neighborhood as you would about having met a man who you had never known before? A Yes I would.
- Q Jim Landrum came to Vinita in what year Charley? A I couldn't tell you.
- Q Do you know where he came from when he moved his family to Vinita? A No sir, I don't.
- Q You hadn't seen him for years? A No sir several years.
- Q And to your knowledge he had never kept house in the Cherokee Nation until he moved his family to the Cherokee nation? A Only with his father.
- Q He wasn't keeping house with his father? A He stayed there off and on? A
- Q How much was he off and how much was he on? A I couldn't answer that question.
- Q Did he make a crop with his father in 1867? A No sir.
- Q Did your father make a crop in 1867? A Yes sir.
- Q What farm did he live on at that time? A Same one he lives on today.
- Q What was it known then? A He made it.
- Q Your farm came back in time to make a farm and plant a crop in 1867? A Yes sir.

BY THE COMMISSION:

- Q You say you were 44 years of age the second day of last January?
A That's.
- Q Then you were born in January, 1861? A That is correct.
- Q At the time then that you saw this applicant you were six years of age? A About, yes sir.
- Q And you remember very distinctly at 6 years of age of seeing this man Jim Landrum here in the Cherokee Nation? A I do.
- Q Had you ever been to school before that time? A No sir.
- Q Never had? A No sir.
- Q He lived about a half mile, stepped there from where you lived?
A Yes sir.
- Q And you a boy 6 years of age remember of seeing him? A I do.
- Q How long do you think he remained in that neighborhood after you saw him in the fall of 1867? A The best of my memory he remained there the best part of the winter.
- Q Then how many years elapsed before you saw him again? A Several years, I don't know.
- Q What do you mean by several, give us an idea, 10 years? A No it wasn't that long.
- Q 7 or 8? A Something less than that.
- Q 5 or 6? A I would not say positive.
- Q Was it as much as 5 years? A No it wasn't as much as 5 years.
- Q About three years? A Something like that.
- Q Then is when he came back with his wife? A Yes sir.
- Q How many children did he have? A He had three if I remember.
- Q How large was the oldest one? A Just small children, they wasn't very big.
- Q Was the oldest one 3 or 4 years old? A May have been I don't remember.
- Q They had three children? A Yes sir.
- Q They were not triplets, they were not all the same age? A No, no big and little and down to that Alice one.
- Q Then when do you think you saw him again? A I didn't say, I don't know.
- Q Did you see him any more after he came back with his wife and children until you saw him in Vinita? A Yes sir.
- Q When did you next see him? A I saw him down there
- Q Came down there some place to that neighborhood? A Yes sir.
- Q He never lived down in that neighborhood? A Not only for a time.
- Q He was there for a short while or some months? A Yes sir.
- Q You never knew of him living in the Cherokee Nation until he moved to Vinita, never knew him keeping house with his family?
A Not outside of where I stated.
- Q At Vinita? A Yes sir.

CLARA FOREMAN, being first duly sworn by Wm. O. Beall, Notary Public, testified as follows:

BY MR. BLUE:

- Q What is your name? A Clara Foreman.
- Q Where do you reside? A Vinita.
- Q How long have you lived at Vinita? A I have lived at Vinita about 20 years.
- Q Do you know Jim Landrum the applicant in this proceeding? A Yes sir.
- Q How long have you known him? A Known him all my life.
- Q What relation are you to him? A He is my brother.

- Q Where were you about 1866? A Port Gibson.
- Q How long have you resided at Port Gibson, or how long did you reside at Port Gibson? A I couldn't tell how long I did live there, it was my home before I went to Vinita, I don't know how many years I did live there.
- Q When did you go to Vinita? A It has been about 20 years ago.
- Q When did you first see Jim Landrum in the Cherokee Nation after the war? A It must have been in 1867, when he come and stayed with me down to Port Gibson.
- Q Are you able to state about what time in the year 1867 you saw him at Port Gibson? A It was in the spring, I couldn't tell just what day and what month but I think it was along about July, him and my husband was making hay together.
- Q What was your husband's name? A Euster Freeman.
- Q Where were they making hay together? A Near Port Gibson out there for the Government I think as near as I can remember.
- Q How long did Jim Landrum remain there about Port Gibson at that time? A I don't know, I couldn't tell just exactly, I think he stayed 3 or 4 months down there.
- Q Do you know where he went to after that? A He left there, said he was going to Grand River.
- Q Do you know of your own knowledge whether he went over about Grand River? A I don't know only what he said, he left my house and said he was going back to father's on Grand River.
- Q Do you know where his father resided at that time? A Yes sir.
- Q About where was it? A It was at the Island Ford on Grand River.
- Q Now after he left down there to go back to Grand River as he stated, when did you next see him? A I never seen him no more until I moved to Vinita.
- Q Are you able to state when you moved to Vinita? A Yes sir.
- Q If you remember when you came to Vinita to live please state it to the Commission? A I don't know what year it was, I went to Vinita cause I didn't keep any account of it, but it has been about 20 years, when I went there and worked for Mrs. Bluejacket, when she kept hotel in the old rock house that got burned down.
- Q Have you been residing in Vinita ever since that? A Yes sir.
- Q How long after you went there was it, if you remember, until you next saw Jim Landrum? A The next time I saw him I think, I couldn't tell just exactly I saw him ever since once in a while, I don't know where I saw him next exactly, I couldn't tell you, he was in and out all the time.
- Q About how often have you seen Jim Landrum from the time you moved to Vinita as you stated, until now? A I have seen him every once in a while.
- Q Can you give it any more definite than that once in a while?
- A Sometimes I would not see him for a year at a time, and sometimes sooner than that, he was off working.
- Q When he came down to Port Gibson and was working in the hay as you stated, do you know whether or not he was married at that time? A Yes sir he was married.
- Q Was his wife along with him? A No sir.
- Q Do you know his wife? A Yes sir I know her now.
- Q Did you know her at that time? A No sir.

- Q Do you know his family Mrs. Peraman? A Yes sir.
- Q Do you know all their children? A I know them now, I didn't know them until I moved up to Vinita.
- Q Are you able to give the names of all of them now? A There are so many I don't know whether I could or not.
- Q Do you know them all when you see them? A Yes sir, I know all the oldest ones names.
- Q During the time, from the date of your location at Vinita until now have you known his wife? A Yes sir.
- Q How often have you seen her since you went to Vinita until now? A Right now I see her most every day cause we live close together, but before that I wouldn't see her only every once in a while, about a year during the time she had her children schooling them in Kansas, and she would only come back along about in the fall in vacation, she would come back down on the river.
- Q How long, if you can recollect has Jim Landrum lived at Vinita? A He hasn't lived there but about 5 or 6 years since he lived at Vinita since the payment.
- Q What payment do you refer to? A The strip payment.
- Q Do you know how long ago that has been, if you don't you don't have to tell? A It has been about 6 or 7 years to my judgment, it has been about 6 or 7 years ago.
- Q Do you remember whether or not he resided at Vinita before that payment? A He didn't live there before but he had a home out on Grand River he had a farm out there close to my father's place.
- Q Were you ever out at your father's place on Grand River? A Yes sir.
- Q There more than once? A Yes sir.
- Q About how often did you go out to your father's place? A Not very often once in a while, about a year or two apart.
- Q Did your father have that place on Grand River when Jim came down to Fort Gibson to help put up hay? A Yes sir.
- Q Had you been there before that time? A No sir.
- Q Were you there soon after that time? A Yes sir very soon.
- Q Do you know whether or not that place is still maintained there? A Yes sir.

BY MR. DAVENPORT:

- Q You say that Jim's wife had the children up in Kansas at school? A Yes sir once I have been to Vinita she has.
- Q I will ask you if Alice wasn't born in Kansas? A Yes sir I guess she was, I couldn't swear to it cause I don't know.
- Q I will ask you if Ed Wasn't born in Kansas? A Yes sir.
- Q If Frances wasn't born in Kansas? A I just tell you like I said.
- Q And if Hattie wasn't born in Kansas? A I don't know sir, I don't know where she was born.
- Q Were they living in the Cherokee Nation when Hattie was born? A I don't know whether they were or not.
- Q Was Johnnie born in Kansas? A I don't know.
- Q Has Jim Landrum ever lived from the time of the war up to this date with his children, Alice, Ed, Frances, Belle, Hattie, and Johnnie, at any place on Grand River? A Yes sir.
- Q At what place did he have all these children that I named living with him on Grand River? A At Uncle Jeff Lyons' his wife's father.

- Q When was it he was living there on Grand River with the children I have named in the question above, being Alice, Ed, Frances, Hattie, Belle, and Johnnie? A I don't know whether they were living there or not, they were out there, I couldn't say that they were living there.
- Q You have told me that he at one time lived out there with those children, now I want to know what year that was if he lived out there with those children? A I couldn't tell you what year it was, but it was after the Wallace payment.
- Q How long after the Wallace payment? A I don't know sir how long they lived out there.
- Q Did you ever visit them while they were keeping house with these children out there on Grand River? A No sir.
- Q Do you know of any one ever did visit them, Cherokee, colored or any one else while they were living on Grand River? A No sir.
- Q Do you not know it to be a fact that he never lived in the Cherokee Nation anywhere with these children until 1897? A I couldn't tell you about that, that is where they always stopped when in the Cherokee Nation.
- Q Were you not living in Vinita in 1897 when Jim moved his family from Neosho Falls, Kansas? A Yes sir I was living there.
- Q Don't you know he moved direct to Vinita from Neosho Falls? A They were going to school up there.
- Q The elder children had gone to school quite a long time if they had gone to school all the time they stayed in Kansas did they not? A Yes sir I guess so.
- Q They were born and raised up there at Neosho Falls? A I couldn't tell you that.
- Q Do you know anything about where they were living? A No sir.
- Q Never heard from them where they were up there? A Yes sir I heard they were working there, but I couldn't tell you just where they were working.
- Q Never did visit them while they were up there? A No sir.
- Q They were not living in Vinita when you went to Vinita? A No sir.
- Q They were not living on Grand River when you went to Vinita? A No sir they were not there then, he was there but the family was up in Kansas.
- Q Do you know whether or not when the family has lived on Grand River since you moved to Vinita? A They haven't lived there at all.
- Q Did you ever visit the family when they lived on Grand River before you moved to Vinita? A No sir.
- Q Then of your own knowledge you don't know that they lived on Grand River? A No sir.
- Q That is hearsay? A Yes sir.

BY MR. HUBB:

- Q Were you present at the birth of any of the elder children? A No sir.
- Q Did you visit his people while they were in Kansas sending the children to school? A No sir I never did visit them at all, until they lived at Vinita.
- Q You don't know then of your own personal knowledge whether any of them were born in Kansas? A No sir, I don't.

BY MR. DAVENPORT:

- Q You do know one thing, and that is you never saw Jim in the Cherokee Nation until about July, 1867, when he came down to help Luster make that hay? A No sir I never know of him.
- Q He was your brother? A Yes sir.
- Q They stayed in Kansas from about 1867 up until 1897 sending their children to school, is that a fact? A I don't know sir.
- Q You spoke about them going up there to send them to school?
- A Yes sir.
- Q And the older children went to school about 30 years, is that a fact? A I couldn't tell you how long they went to school.
- Q They were up there raising them to wasn't they? A I guess they were.
- Q But when they went there there was a number of the children in existence were they? There were a number of the children born after they left the Cherokee Nation to go to Kansas to send them to school? A I don't understand what you are asking me.
- Q I mean, under your theory of it, they were up there in Kansas sending their children to school, when they went to Kansas to send them to school they didn't have any children to send did they when they went back there in 1867? A Yes sir I guess they had children.
- Q Did Jim Landrum have any children by his wife living in 1867, when you say he came down there and helped Luster put up hay?
- A Yes sir.
- Q What was its name? A Ed and Alice.
- Q He had two children then? A Yes sir.
- Q Which of the children were it they went back to Kansas to educate? A Ed and Alice.
- Q How big were they in 1867? A I don't know.
- Q Don't you know as a matter of fact that neither of them were born then in 1867, July of that year? A Yes sir Alice was I know.
- Q Alice was born prior to that time, don't you know that the records show that Jim and his wife were not married until 1867? A I don't know.
- Q In fact you are testifying to these facts that you haven't any knowledge at all? A Yes sir, I thought I did.
- Q You didn't see the children? A No sir I didn't see the children at all.
- Q The children were not born before the war? A No sir.
- Q They were not married before the war? A No sir.
- Q The war closed in 1865 didn't it or do you remember what year?
- A Yes sir.
- Q Were they married before the war closed, Jim and his wife? A Yes sir they were married just after the war closed.
- Q That would have been in 1865, don't you know they didn't have two children born and big enough to send to school in 1867, two years after that? A I didn't say they were sending them to school then.
- Q Didn't you tell me a moment ago that they went back there to send those children to school? A I said Jim said his wife was sending the children to school in Kansas.
- Q She wasn't down here? A No sir.
- Q She was in Kansas sending their children to school? A Yes sir that is what Jim said.
- Q And they had been married two years and had children big enough to go to school? A I didn't say the children were going to school in 1867, that Jim was down at Fort Gibson the first time I saw him in the Nation.
- Q And didn't you say they went back to Kansas to send his children to school? A Yes sir.

Q And you also said that Jim ~~wann~~ said his wife was up there educating his children? A Yes sir.

BY MR. BLUE:

Q Was Jim's wife with him when he came down there to put up hay?
A No sir.

Q When did you first see Jim's wife? A I never saw her until after I moved to Vinita, she brought the children down and went out to her father's.

Q How many children did she have then? A She had three with her, and that is the first time I ever saw them.

Q Do you know anything about their sending those children to school in Kansas yourself? A No sir.

Q All you know is what your brother Jim said? A Yes sir.

Q Do you know as a matter of fact when he was married? A No sir not exactly but he was married right after the war I believe, he was married a little before peace was declared.

Q Do you know where he was married? A No sir I don't know myself.

Q You were not at his wedding? A No sir.

Q You don't know anything about that except what you heard? A No sir he was married after I left up there.

Q Left up where? A Kansas, he married at the Falls after I left.

Q Do you remember when you went to Fort Gibson? A I went to Fort Gibson before peace was declared.

Q You don't remember about when that was? A No sir I don't know what year it was.

Q How what do you mean when peace was declared? A When they said we could go home, the war was over.

Q Do you know when the fighting ceased in the Nation? A Yes sir.

Q Do you remember what year it was? A In 1865 I suppose.

Q 1865 when they ceased fighting down here? A Yes sir.

Q You don't know as a matter of fact about his marriage, only what you have been told? A Yes sir.

Q And as a matter of fact you don't know only what you have been told? A Only just what I heard.

Q And all you have said about the children going to school up there is what you heard? A Yes sir.

BY MR. DAVENPORT:

Q During the war you yourself went to Neosho Falls, Kansas, as I understand you? A Yes sir I went there in time of the war.

Q Then you came back from Neosho Falls and lived here and left Jim there? A Yes sir and he married after I left.

BY THE COMMISSION:

Q Was your brother married when he was down with you at Fort Gibson helping to put hay up? A Yes sir.

Q You understood from him that his wife was up in Kansas?
A Yes sir

Q Did you understand from him at that time that he had some children? A Yes sir I believe he said he had two.

Q Did he name them? A Yes sir.

Q What did he say their names were? A Alice and Ed.

JOHN WILSON

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COMMISSION TO FIVE TRIBES.

- Q Would they write to you while they were up in Kansas? A No sir, didn't know what writing was then.
- Q You say you never went up to visit them? A No sir.

BY MR. HUSE:

- Q All you know about his being married is what he told you? A Yes sir that is all I know about it.

CASE CLOSED.

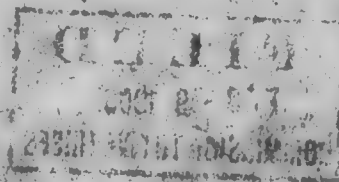
George H. Lessley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 9th day of February, 1905.

Charles H. Sawyer

Notary Public.



IN THE DEPARTMENT OF THE INTERIOR,
WASHINGTON.

In the matter of the application for the enrollment of Jim Landrum Sr.,
et al., as Cherokee Freedmen.

United States of America,
Indian Territory,
Northern District SS.

A F F I D A V I T.

On this day personally appeared before me, the undersigned
Notary Public within and for the Northern District of the Indian Terri-
tory, JESSE ROWE, who being by me duly sworn on oath says that:

My name is Jesse Rowe, my Post Office is Ketchum, I. T., and my
age is forty-three years. I remember when I was a small boy of seeing
Jim Landrum around in the neighborhood where I lived on Grand River, con-
tinuously up until long after the Shawnees came to the Cherokee Nation.
Jim Landrum owned a little farm when I first remember of his making a
crop the next year after he moved off of the Daniels place and he has
always owned that farm since some time about the year of 1870 or as long
as I can remember back. Jim Landrum Sr. made trips to Kansas occasion-
ally and was gone a short time and returned. In about 1871 he commenced
making trips to Kansas to get work and made several trips up to Kansas
but during the time that he was gone he maintained and kept up his im-
provements in the Cherokee nation. I am duly and lawfully enrolled in
the Cherokee Nation and my enrollment has been approved by the Honorable
Secretary of the Interior. My name appears upon the authenticated roll
of 1880 and I have selected my allotment of land and received my allot-
ment certificate therefor.

I have no interest whatever in this case and am not related to
any of the applicants.

Jesse Rowe

Subscribed and sworn to before me this 20th day of July, 1906.

F. M. Buscior

NOTARY PUBLIC.

Copy

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

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bbw

In the matter of the application for the enrollment of
Jim Landrum Sr., et al., as Cherokee freedmen, consolidating
the applications of:

Jim Landrum Sr., et al.,	Cherokee Freedman D	644
Frances Banks, et al.,	" "	D 698
Belle Landrum et al.,	" "	D 700
Alice Lynch, et al.,	" "	D 701
Lissie Allen, et al.,	" "	D 702
Ed Landrum,	" "	D 1112

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DECISION.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes, by Jim Landrum Sr., for himself and wife, Margaret Landrum, and their minor children, Jessie, John, Jim Jr., Barbara and Nelson Landrum; by Frances Banks for herself and minor children, Earl and McKinley Banks; thereafter, on October 30, 1901, there was filed with the Commission an affidavit showing the birth, on September 22, 1901, of Hortense Banks, daughter of the applicant, Frances Banks; by Belle Landrum for herself and minor child, Velma Landrum; by Alice Lynch for herself and minor child, Laura Lynch; by Lissie Allen for herself and minor children, Emma and Viola Landrum and Frank Allen; and by Ed Landrum for himself. Copies of the testimony taken at different times and places in the matter of the applications for the enrollment as Cherokee Freedmen of Jane Riley, case No. D 600, and Della Kirkpatrick, et al., case No. D 673, are filed herewith and made a part of the record herein.

THE RECORD FURTHER SHOWS: That on August 29, 1904, the Commission rendered its decision herein granting said appli-

cants, except Margaret Landrum, who was denied, the right to enrollment as Cherokee freedmen; that thereafter, on September 14, 1904, the Cherokee Nation filed with the Commission a motion praying that this case be re-opened, and it be permitted to introduce newly discovered evidence tending to show that none of the applicants herein are entitled to enrollment as Cherokee freedmen; and that on December 19, 1904, said motion was granted by the Commission, and on February 2, May 4, and June 1, 1905, further testimony in the matter of said applications was taken at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Jim Landrum Sr., and Margaret Landrum, claim the right to enrollment as Cherokee freedmen by virtue of their compliance with the treaty stipulations of 1866, and that all the other applicants herein claim the same right as descendants of the said Jim Landrum Sr. and Margaret Landrum.

The following points are fully established by the evidence, no attempt having been made to disprove them:

- (1) That the applicants, Jim Landrum Sr., and Margaret Landrum, husband and wife, were the slaves of Cherokee citizens at the commencement of the rebellion, removed from the Cherokee Nation during said rebellion, and later returned to said Nation and established a residence therein.
- (2) That all the other applicants herein were born since the close of the rebellion, are lineal descendants (children and grandchildren), of the two applicants last above named, and, except as to Laura Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendants.

It is contended in behalf of the applicant, Laura Lynch, that she is the daughter of one Ed Lynch, a duly recognized citizen of the Cherokee Nation. On his first appearance before the Commission, in 1901, the said Ed Lynch testified that he was the father of but one child, and that that child was dead. (See Cherokee No. 10884). In his testimony in this case, taken on May 4, 1905, at Muskogee, Indian Territory, he acknowledged Laura Lynch as his child, and asserts that he was married to the applicant, Alice Lynch, nee Landrum, mother of said Laura Lynch, on September 27, 1890. As to the date of their marriage he is corroborated by his wife, in a letter written to the Commission under date of April 30, 1905, a copy of said letter being made a part of the record herein. A birth affidavit filed with the Commission on June 12, 1901, and sworn to by the said Alice Lynch, shows the

said Laura Lynch to have been born on January 28, 1890, eight months prior to the marriage of her mother to the said Ed Lynch. This, in connection with the testimony of George T. Borden, taken in this case on June 1, 1903, at Muskogee, Indian Territory, to the effect that the said Alice Lynch, nee Landrum, continuously lived in Kansas till a short time prior to Laura's birth, that she was gone three or four months from her home in Kansas, and returned with Laura, a baby, in her arms, and that one Taylor Newman, a non-citizen of the Cherokee Nation, was admitted by Alice to be the father of this child, satisfactorily shows that Laura Lynch is not the child of the said Ed Lynch, and obtains no right to Cherokee citizenship through her father.

The testimony of the applicant, Lizzie Allen, taken on June 11, 1901, at Chelsea, Indian Territory, indicates that Will Allen, the alleged father of the applicant, Frank Allen, is a Cherokee citizen. She further testified that her child, Frank Allen, was born three years prior to her marriage to Will Allen. Cherokee Freedman Enrollment card No. D 701, shows the said Will Allen to be a non-citizen of the Cherokee Nation, and an examination of the Cherokee Citizenship records fails to show that application has ever been made for the enrollment of the said Will Allen as a Cherokee citizen, nor can he be identified on any roll of the Cherokee Nation in the possession of this office.

In view of the foregoing it is considered that in order to properly adjudicate said applicants' rights to enrollment as Cherokee Freedmen, the primary question to be determined is:

Did Jim Landrum Sr. and Margaret Landrum, or either of them, return to the Cherokee Nation after the rebellion, within the time specified in the Whitmire decree for the return of Cherokee Freedmen to said Nation?

THE EVIDENCE FURTHER SHOWS: That after the close of the rebellion neither the said Jim Landrum Sr., nor the said Margaret Landrum, removed to and established a residence in the Cherokee Nation prior to the year 1885.

Excepting the Kern-Clifton roll, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of this office.

FINDINGS OF FACT AND CONCLUSIONS: It is considered that the evidence in this case shows that the applicants herein possess no rights to enrollment as Cherokee Freedmen.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That its decision in this case rendered by the Commission to the Five Civilized Tribes,

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on August 29, 1904, be set aside and held for naught, and that, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), Jim Landrum Sr., Margaret Landrum, Fessie Landrum, John Landrum, Jim Landrum Jr., Barbara Landrum, and Nelson Landrum, Frances Banks, Earl Banks, McKinley Banks and Hortense Banks, Belle Landrum, Velma Landrum, Alice Lynch, Laura Lynch, Lizzie Allen, Anna Landrum, Viola Landrum, Frank Allen and Ed Landrum, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(SIGNED)

Tams Bixby.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this SEP 8 1905

IN THE DEPARTMENT OF THE INTERIOR

WASHINGTON.

In the matter of the application for the enrollment of Jim Landrum
No. 23 (N. F. 554) as Cherokee Freedman.

United States of America,

Indian Territory,

Northern District.

Leander Bean of lawful age, and who being duly sworn
on his oath makes the following statement.

"My name is Leander Bean, my post office is Vinita I. T. my age
is fifty-five years ; I am a Cherokee Freedman duly and lawfully enrolled
as such.

During the war of the rebellion I went to Kansas and in the fall of
1866 I left Kansas with Andy Fry and his wife Willis Fry in September
of 1866 and arrived in the Cherokee Nation in October 1866 and have re-
sided in the Cherokee Nation continuously since that time. In the
fall of 1867 I went to the place where George Landrum was living and
while there I saw the applicant Jim Landrum Sr, the said Jim Landrum
had been out in the neighborhood at work at that time, I was not in that
section of the country very often but I saw Jim Landrum down in that
part of the country after that time several times when I was down there. I
remember of seeing him in the winter of 1867 and in the Spring of 1868
during my trips down to his father's on Grand river.

Subscribed and sworn to before me this September 27, 1903.

Notary Public.

My Commission
Expires June 29, 1908.

IN THE DEPARTMENT OF THE INTERIOR

WASHINGTON.

In the matter of the application for the enrollment of Jim Landrum Sr et al as Cherokee Freedmen.

United States of America,
Indian Territory
Northern District 88.

On this day 4th day of October 1905 personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory George C. Davis to me personally well known, who being duly sworn on his oath deposes and says:
"My Name is George C. Davis, my age is Sixty-Two years, my post office is Vinita I. T. I am acquainted with the principal applicant Jim Landrum Sr. I knew him before the war of the rebellion, was well acquainted with him then, I knew him during the war, I served through the civil war in the Union Army and was discharged at and our company was disbanded at Leavenworth Kansas and in the fall of 1865 I went to Neosho Falls Kansas and stayed there a few weeks. I saw Jim Landrum at Fort Leavenworth Kansas and we came down to Neosho Falls Kansas in the late fall of 1865 together and Jim Landrum about the time cold weather set in in the fall of 1865 set out for the Cherokee Nation ahead of me and I caught up with him snow bound up about Labette Creek along the North line of the Cherokee Nation. Jim Landrum came on to the Nation and I went back to a place where Parsons Kansas is now located and finally went back to Fort Scott and stayed awhile. I was in the Cherokee Nation in the neighborhood of where Jim Landrum located and saw him in the Cherokee Nation in the year of 1865. He was then living on Grand River in the Cherokee Nation.

Subscribed and sworn to before me this 4th day of October 1905.

Notary Public.

IN THE DEPARTMENT OF THE INTERIOR,
WASHINGTON.

In the matter of the enrollment of Jim Landrum Sr. et al.
as Cherokee Freedmen, consolidating the applications of

Jim Landrum Sr. et al.	Cherokee Freedmen	D 664
Frances Banks et al		D 698
Nelle Landrum et al		D 700
Allice Lynch et al		D 701
Lizzie Allen et al		D 702
Ed Landrum		D 1115

SUPPLEMENTAL DOCUMENT.

The affidavits herein attached shows that Waniel Tucker is a Full-blood Cherokee Indian; that his name appears upon all the Cherokee rolls and upon the present final roll prepared by the Commission to the Five Civilized Tribes; that he was a Union soldier and served through the War of the Rebellion and was in the Second Indian Regiment and was stationed at Ft. Gibson, T. T.; that before the war he resided near Lynch's Prairie in Saline District in the Cherokee Nation, Indian Territory and after the Civil war as soon as he was discharged in 1865 he returned to his old home near Lynch's Prairie; that he says he was acquainted with the applicant, Jim Landrum Sr. and that Jim Landrum Sr. spent the winter of 1866 at the Coolidge place; that after he left there in the spring of 1866 he helped to make a crop at George Landrum place; that Waniel Tucker remembers seeing Jim Landrum very often through the summer and fall of 1866 and that he saw him very often around George Landrum's place for several years after the fall of 1866; that he knows that Jim Landrum Sr. was living in the Cherokee Nation in the spring and fall of 1866 and for a number of years thereafter.

This witness is a full-blood Cherokee Indian; he has no interest whatever in the enrollment of the applicant and is not a party to the facts

Jim Landrum Sr. and his family are entitled to be enrolled as Charge
Free Men.

Attorneys for Applicants

IN THE DEPARTMENT OF THE INTERIOR,
Washington, D.C.

In the matter of the application for enrollment of Jim Laudrum
Sr. et al., as Cherokee Freedmen.

F. D. *664*

UNITED STATES OF AMERICA, }
Indian Territory, } SS.
NORTHWEST DISTRICT. }

On this 28th day of October A. D. 1908, personally appeared
before me the undersigned Notary Public within and for the Northwest
District of the Indian Territory, Daniel Tucker, a Cherokee Indian,
of lawful age, to me well known as a person whose testimony is en-
titled to full faith and credit and after being first duly sworn
that the testimony he would give in the cause whereof he was about
to be examined, would be the truth, the whole truth and nothing
but the truth on his oath deposeth and saith:

"My name is Daniel Tucker, my Post office is Chelawn, Indian
Territory, my age is fifty-nine years and my name appears upon all
of the Cherokee Rolls and I am a full-blooded Cherokee Indian duly and
lawfully enrolled as such.

I have lived in the Cherokee Nation all of my life. I served
through the War of the Rebellion in the Union Army as a volunteer and
known as the Second Indian Regiment and we were stationed at Ft.
Gibson, Indian Territory. Before the War I lived on Lynch's Prairie
near Grand River, and after I was honorably discharged from the
army at Ft. Gibson after the close of the war, I went at once in
the late fall of 1865 to my old home in the edge of the timber not far
from Lynch's Prairie in the Polk District of the Cherokee Nation,
Indian Territory.

I am acquainted with the applicant Jim Laudrum Sr. and he lived
the following winter and spring at the George Cochran place. I was
member of seeing Jim Laudrum go in often in the spring of 1886 and
later when he moved away from the Cochran place, I saw him quite often
around the George Laudrum place."

I saw Jim Landrum on Grand River in the spring of 1866, he made a crop at the George Landrum place after he moved away from the same location and he stayed on Grand River throughout the summer of 1866 and in the fall of 1866 he moved away from that community into another neighborhood, and I did not see him very often after that but I saw him occasionally around George Landrums for several years after the fall of 1866 when he moved out of my neighborhood.

I know that Jim Landrum Sr. was living in the Cherokee Nation in the spring and fall of 1866 and for a number of years thereafter.

I have no interest whatever in this case.

Daniel Tucker.

Subscribed and sworn to before me on this 28th day of October 1866 and I hereby certify that Daniel Tucker is personally well known to me as a citizen of the Cherokee Nation by blood whose testimony is entitled to full faith and credit.

Notary Public,

Northern District, I.T.

IN THE DEPARTMENT OF THE INTERIOR, Washington.

In the matter of the Application of Jim Landrum, Sr. et al, as Cherokee Freedman #F. D. 664.

UNITED STATES OF AMERICA,
Indian Territory,
Northern District.

} ss.

AFFIDAVIT.

This day personally appeared before me, the undersigned Notary Public for the Northern District, Indian Territory, Jim Landrum, Sr. to me personally well known, who being by me duly sworn on his oath deposes and says: My name is Jim Landrum, Sr.; my age is 62 years, my Post Office is Vinita, I. T. I make this affidavit for the purpose of showing the Department of the Interior that I am a very poor man; that it takes all my income I can get from land and my daily wages as a laborer, to support my family; that I have been unable to raise the necessary money to pay the mileage as per diem of witnesses that I could take before the Commission to the Five Civilized Tribes at Muskogee Indian Territory. I introduced before said Commission all the testimony that I thought necessary at that time, to warrant my enrollment as a Cherokee Freedman and in fact so understand that the Commission on that testimony at one time signed a decision ordering my enrollment, but that the same was recinded on a motion of the Cherokee Nation and testimony of Learned, Lynn, Moore, which afterwards were taken. I have been entirely unable to procure the money necessary to pay the per diem and mileage ranges from \$10. to \$25 per witness and for this reason I have caused the testimony of my witnesses to be taken before a Notary Public and forward to the Honorable Secretary of the Interior. I have not sufficient property or collateral mortgage to the banks in order to get them to lend me the money that I require to pay said mileage and per diem of my witnesses, and I have therefore done the best that was possible for me to do in my poverty.

Witness,
Laura G. Valentine.

Jim Landrum Sr. his X Mark.

Subscribed and sworn to before me this 3, day of November, 1905.

Notary Public.

BEFORE THE DEPARTMENT OF THE INTERIOR
WASHINGTON.

In the matter of the application of Jim Landrum, Sr. et al., for enrollment as Cherokee Freedmen. Ch. F. D. 664.

UNITED STATES OF AMERICA, }
Indian Territory, } SS.
Northern District. }

Affidavit.

Arthur Bean to me well known as a person entitled to the full faith and credit, personally appeared before me, the undersigned a Notary Public with in and for the Northern District, Indian Territory and being first duly sworn on his oath deposes and says:

My name is Arthur Bean; my post office address is now Chaffee, Indian Territory and was formerly Vinita, I. T.; my age is 63 years; I have been a resident of the Cherokee Nation all my life and was never out of the Cherokee nation except during the War of the Rebellion, when I went out of the Cherokee Nation and served through the war in the Seventy-Ninth Regiment of the U. S. Army and was honorably discharged at Ft. Leavenworth, Kansas in the fall of 1865. I came to Mapleton and Ft. Scott, Kans. where I spent the winter of 1865 and the spring and summer of 1866 and in the fall of 1866 I went to the Cherokee Nation with Tobias Bean, Captain Geo. Vann and some others and was in what is known as the famous Horse Creek Fight. This fight took place on Horse Creek in the Cherokee Nation, Indian Territory in the fall of 1866, I think it was in September or the early part of October, 1866. After this fight we located on Grand river and when I got located I saw Jim Landrum, Sr. around his father's place in the fall of 1866. Jim Landrum's father was named Geo. Landrum. He was at this time with his father Geo. Landrum on Grand river on Lynch's Prairie. I saw Jim Landrum quite often in the fall of 1866 on Grand river and for several years thereafter. I knew that he was living in the Cherokee nation around his father's place in the fall of 1866 and that he lived around in that neighborhood several years thereafter. I knew him before the Civil War also.

I have been placed on the final roll of the Cherokee Freedmen; have my allotment of land and have my allotment certificate therefor. I was formerly on the Cherokee doubtful card #212 and my case was consolidated with the case of Tobias Bean, et al., F. D--205. We were ordered enrolled by the Commission to the Five Civilized Tribes on March 31, 1904 and the Cherokee nation took an appeal to the Honorable Secretary of the Interior and on Aug. 7, 1904 the Honorable Secretary of the Interior affirmed the decision of the Dawes Commission and we were thereafter placed on the final roll of the Cherokee Freedmen.

I first saw Jim Landrum, Sr. at his father's house a few days after we landed on Grand river in the fall of 1866.

Witness to myk: 1

Laura L. Valentine
James L. Valentine

Arthur ^{his} Bean
Mark

Subscribed and sworn to before me this 4, day of November, 1905.

J. C. Stark
Notary Public.

IN THE DEPARTMENT OF THE INTERIOR

WASHINGTON.

In the matter of the application for the enrollment of Jim Landrum Sr et al as Cherokee Freedmen.

United States of America,
Indian Territory
Northern District SS

Eliza Fulson, of lawful age being by me duly sworn on her oath says
"My name is Eliza Fulson, my age is forty-four years and my post office
is Viola T. T.

"My name appears upon the authenticated roll of 1860 and I have
resided in the Cherokee nation all of my life except during the civil
war when I was out of the Cherokee Nation. At the close of the civil
war my father located in the Cherokee Nation moving onto what was known
as the old Bob Daniels place on the east side of Grand river near
lynchs prairie where we were living in the fall of 1866. While we were
living on the east side of Grand river about six miles from lynchs
prairie in the fall of 1866 I remember that Jim Landrum was living on
Grand river and made a crop in ~~the fall of~~ 1866 and in the fall of
1866 Jim Landrum was living in one of the Bob Daniels houses in the same
yard where we lived and that is the reason I remember it so well because
and his children played with me all the time in the
I saw him every day and Jim Landrum Sr was a great fiddler and he played the fiddle
for us all the time in the evenings and we children would dance every
night almost. I remember seeing Jim Landrum right along in that part
of the country where he was living up until about the year of 1871 he went
up the river for a short time and returned and after that he lived down
the river in the settlement of where Aunt Winnie Cateliff lived. I
have seen him right along since 1866 up to the present. At inter-
vals about 1872 he would go to Kansas and remain for a short time. Jim
Landrum married a little girl in the Cherokee Nation about 1868 and
they had a son who he had named in my memory for years and

The Cherokee Freedmen had a hard time to make a living in the few years following the civil war. I can remember that we had to live on corn bread and greens and wild onions and were without meat for many years. In fact we were practically on the verge of starvation and did well to live through the hardships of those days.

Subscribed and sworn to before me this 14th day of November 1908.

Notary Public.

IN THE DEPARTMENT OF THE INTERIOR

WASHINGTON.

In the matter of the application for the enrollment of Jim Landrum Sr
et al as Cherokee Freedmen.

United States of America

Indian Territory

Northern District SS

Affidavit.

On this 15th day of November 1905, personally appeared before me the
Undersigned Notary Public within and for the Northern District of the
Indian Territory duly commissioned and acting, Eliza Tucker, to me well
known as a person entitled to full faith and credit and who being duly
sworn on her oath deposes and says:

"My name is Eliza Tucker, my age is fifty-eight years and my post office
is Vibita, Indian Territory. I am a duly enrolled and recognized citi-
zen of the Cherokee Nation. My name appears upon the 1880 authenticated
roll and I have selected my allotment of land in the Cherokee nation
and have received my certificate of allotment therefor."

"I have lived in the Cherokee Nation all of my life and did not
leave the Cherokee Nation during the Civil war. I lived at Beck's
Mill in Goingmade District of the Cherokee Nation during the Civil
war and right after the close of the war I moved to Tahlequah and
lived around Tahlequah for awhile and then moved to Fort Gibson and lived
with my Aunt Winnie Ratcliff in Fort Gibson until the fall of 1867 when
Jim Landrum Sr and Arch Landrum came to Fort Gibson with their wagons
and teams and moved Aunt Winnie Ratcliff up to Grand River near
what is known as the Red Daniels place. I was around Fort Gibson fre-
quently in the years of 1866 and 1867 and while I was down there I saw
Jim Landrum frequently both in the year of 1866 and in the year of
1867 about Fort Gibson. Aunt Eliza Ratcliff was then living in Fort
Gibson and she has a sister to Jim Landrum and he would come to visit her."

I remember seeing Jim Landrum often in the fall of 1866 and in the spring of 1867 when he would come down from Grand River to visit his sister Aunt Clara Foreman. I talked with Jim Landrum frequently then and he told me that he was living in the fall of 1866 and the winter of 1866 and in the Spring of 1867 upon Grand River with his father George Landrum. Jim Landrum's Mother was living in Fort Gibson in the fall of 1866, and in the year of 1867. Her name was Peggy Landrum. His father was named George Landrum and they had separated and George Landrum was then in 1866 living on Grand River with his wife, Caroline Landrum and Jim Landrum Sr had a sister and his mother living in Fort Gibson. I was well acquainted with Jim Landrum Sr prior to the war. He lived nearby and all used water out of the same well prior to the war.

I was living with Aunt Winnie Catlett at Fort Gibson in the fall of 1867 when Arch Landrum and Jim Landrum Sr came there and moved her up to Grand River and I went with my Aunt Winnie and we moved into the House where Jim Landrum Sr and Arch Landrum were living and we lived in that house with them until Jim Landrum Sr, with the help of James Moore and others built a log house for Jim Landrum and we then moved into the log house and Jim Landrum made his home with us in the log house. He owned a half interest in the loghouse and they put in a small farm there putting the land in cultivation. Jim Landrum Sr never gave up his interest in this log house that I ever heard of and this old log house still stands at the same place and is now being used for a chicken house.

After about the year of 1870 I remember that Jim Landrum was making trips to Kansas. I would miss him for a few months along but I remember seeing him nearly every year and in that part of the country. He never gave up his interest in the property he owned during his trips out of the country.

In the years immediately following the Civil War the country was a hard time to live in the Southern States. There were very hard times with great difficulty they were unable to get enough to eat. They still were hungry for meat and they were unable to get a horse to ride on to eat. So when I think of the hard times that were experienced in the South after the war I think of the hard times that were experienced in the South after the war.

-2-

In the fall of 1866 Jim Landrum Sr was living on the old Military Road
near grand river in the Cherokee Nation, Indian territory.

(Signed)

Eliza Tucker

Subscribed and sworn to before me this 15th day of November 1905.

J. C. Starr
Notary Public.

BEFORE THE DEPARTMENT OF THE INTERIOR,

Washington.

In the matter of the application of Jim Landrum, et al., for enrollment as Cherokee freedmen (Jim Landrum, and others, Freedman D-664.).

R E P L Y

In this Jim Landrum effort of the Cherokee attorneys we find a class altogether new in the freedman work. We find no name on the face of it, so want of a better term, I will call it an "EFFORT", and it seems to be an effort to cause J. C. Starr to again lose his position. So I will begin this "reply" by frankly admitting that I do not see the "point" at which the Cherokee attorneys were deiving when they wrote the "effort".

J. C. Starr.

J. C. Starr seems to have incurred the Cherokee attorneys ill-will in some manner or another, and here they have the bad grace to tell of their troubles, and to use the Cherokee nation's money to pay their expence, etc., while they do it.

If I read this "effort" understandingly, it appears that J. C. Starr is accused by the Cherokee attorneys of assisting J. J. Bulger in freedman cases.

It is quite true that J. C. Starr is thus employed, and James J. Bulger hereby pronounces him a valuable assistant. With his five years experience as "secretary, stenographer and typewriter" for the Cherokee attorneys, he brings to the assistance of J. J. Bulger a knowledge of the "condition of affairs" that no other man can bring him not even James B. Ravenport.

But why deny Jim Landrum enrollment simply because J. C. Starr is assisting J. J. Bulger in freedman cases? Who is James J. Bulger that Jim Landrum ought to be denied enrollment because he has, through James J. Bulger, secured the services of J. C. Starr?

Is not James J. Bulger admitted to practice before the Department

Jim Landrum, Page 2.

and is not J. C. Starr a valuable assistant?

Why are the Cherokee attorneys so out-spoken in their opposition to J. C. Starr assisting James J. Bulger? Why is it of interest to them who assists James J. Bulger? Why? Yes, why?

A perusal of the Cherokee attorney reply in the Jesse Vann case will be sufficient answer to these questions.

The Cherokee attorneys there tell us that J. C. Starr is, or "was familiar with all the records" in the office of the said Cherokee attorneys prior to July 5, 1905, and is it for this reason that they object to him seeking employment elsewhere after being discharged by these Cherokee attorneys?

If the records show - the records in the Cherokee attorneys office- show that any person is entitled to enrollment as a Cherokee citizen, is it not the sworn duty of the Cherokee attorneys to see that he is so enrolled? For whom are the Cherokee attorneys working?

Is it not as much their duty to see to it that a freedman who is entitled to enrollment, is enrolled, as it is the duty of the Secretary of the Interior to see that the Commissioner of Pensions does not discriminate in the matter giving pensions to members of the different political parties?

Is it not a violation of their plain duty, and a gross injustice to Cherokee citizens, for the Cherokee attorneys to spend "\$336" or "\$190" or any other amount of the money of the same Cherokee citizens in an ^{effort} ~~effort~~ to prolong the life of the office of the same Cherokee attorneys, and nothing more?

What other interest can the Cherokee attorneys have in the matter of J. C. Starr assisting James J. Bulger. One of these Cherokee attorneys is a white man, a plaintiff in the Intermarried White Man's case now pending in the United States Supreme Court, and the other two have been identified in the famous L. B. Hall report to the Cherokee

Jim Landrum, Page 3.

okee National Council, relative to the collection of a certain "strip" cattle tax, and in the McConnell report relative to the payment of certain money to Cherokee freedmen after the Kern-Clifton enrollment.

Yes, what other interest do the Cherokee attorneys have in the fact that J. C. Starr is now assisting James J. Bulger in the freedmen cases?

Why was J. C. Starr discharged by the same Cherokee attorneys, July 5, 1905?

Perhaps an answer to this last question might also be an answer to them all?

"On February 2, 1905" J. C. Starr was assisting the Cherokee attorneys as secretary, stenographer and typewriter, and if by reason of these facts, he became "familiar with all the records" in the office of the Cherokee attorneys, and is now in a position to know that Jim Landrum ought to have been enrolled by the Dawes Commission, is it not proper for him to so inform the Honorable Secretary of the Interior - we is a Cherokee citizen and has no "record".

This matter of rejecting a Cherokee freedman's application may be a serious one. To reject the application of a freedman applicant who is entitled to enrollment ought not to be the desire of the Cherokee attorneys, and IS NOT THE DESIRE OF THE SECRETARY OF THE INTERIOR.

"LAST FOUR".

I have heard something about the "eleventh hour"; something about it being better late than never, and now since the freedmen are in a position to receive the benefit of the experience of a man who was secretary, stenographer and typewriter of the Cherokee attorneys and in a "position to know that facts" the "EXACT FACTS" in the possession of the Cherokee nation when he goes out to get affidavits, the Cherokee attorneys above "think that it is high time to call a halt in these matters" for the "reason there should be (an end) somewhere along the line an ending to this controversy".

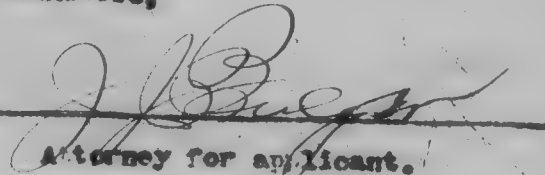
Is this the true reason?

Jim Landrum Page 4.

In conclusion I respectfully submit that from this Jim Landrum "effort" of the Cherokee attorneys in this case, together with the Jesse Vann "reply", and the Jackson Davis "reply", and the protest against the receipt of the affidavit of Wetsy McConnell in the Burrell Daniels case, it is clear that the Cherokee attorneys are exceedingly anxious of late to show that "it is high time to call the halt"

WHEREFORE, I respectfully suggest, for the benefit of the Cherokee attorneys that the employment of J. C. Starr by James J. Bulger is altogether a matter exclusively within the "jurisdiction" of said James J. Bulger and J. C. Starr.

Respectfully Submitted,


Attorney for applicant.

Service of this instrument received and a copy thereof also received by the attorneys for the Cherokee nation this ____ day of December, 1905.

Hell, Hastings & Davenport,

By _____
Attorneys for the Cherokee nation in
the matter of making the freedman roll/

Copied

DEPARTMENT OF THE INTERIOR, WASHINGTON.

In the matter of the application of Jim Landrum Sr., et al for enrollment as Cherokee Freedmen.

UNITED STATES OF AMERICA,)

INDIAN TERRITORY,

NORTHERN DISTRICT

} SS.

AFFIDAVIT.

On this ^{6th} day of July, 1906, personally appeared before me
United States Commissioner
the undersigned ~~Walter P. ...~~ Eliza Tucker to me well known who being
duly sworn on her oath deposes and says :

" My name is Eliza Tucker, my age is fifty-nine years and my post office
is Vinita, Indian Territory. I am a duly enrolled and recognized citizen
of the Cherokee Nation. My name appears upon the 1880 authenticated
roll and I have selected my allotment of land in the Cherokee Nation and
have received my certificate of allotment therefor."

" I have lived in the Cherokee Nation all of my life and did not
leave the Cherokee Nation during the Civil War. Right after the close of
the war I moved to Tahlequah and lived around Tahlequah for a while and
then moved to Fort Gibson and lived with my mother, Winnie Bateliffe
in Fort Gibson until the fall of 1867 when Jim Landrum Sr and Arch
Landrum came to Fort Gibson with their wagons and teams and moved my
mother, Winnie Bateliffe and I, up to Grand River near what is known
as the Bob Daniels place. I was around Fort Gibson frequently in the years
of 1866 and 1867 and while I was down there I saw Jim Landrum frequently
both in the year of 1866 and 1867 about Fort Gibson. Aunt Olera Foreman
was then living in Fort Gibson and she was a sister to Jim Landrum and
he would come to visit her. I remember seeing Jim Landrum often in the
fall of 1866 and in the spring of 1867 when he would come down from
Grand river to visit his sister, Aunt Olera Foreman. I talked with Jim
Landrum frequently then and he told me that he was living in the fall
of 1866 and the winter of 1866 and in the spring of 1867 up on Grand river
with his father George Landrum. Jim Landrum's mother was living in Fort
Gibson in the fall of 1866, and in the year of 1867. Her name was Peggy
Landrum. His father was named George Landrum and they had separated and
George Landrum was then, in 1866, living on Grand River with his wife,

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Caroline Landrum, and Jim Landrum Sr., had a sister and his mother living in Fort Gibson. I was well acquainted with Jim Landrum Sr prior to the war. We lived neighbors and all used water out of the same spring prior to the war. "

I was living with my mother, Winnie Ratcliffe at Fort Gibson in the fall of 1867 when Arch Landrum and Jim Landrum Sr came there and moved her up to Grand river and I went with my mother and we moved into the house where Jim Landrum Sr and Arch Landrum were living and we lived in that house with them until Jim Landrum Sr, with the help of Nelson Moore and others built a log house for Jim Landrum and we then moved into the log house and Jim Landrum made his home with us in the log house. He owned a half interest in the log house and they put in a small farm there putting the land in cultivation. Jim Landrum Sr never gave up his interest in this log house that I ever heard of and this old log house still stands at the same place and is now being used for a chicken house.

After about the year of 1870 I remember that Jim Landrum was making trips to Kansas; I would miss him for a few months along, but I remember seeing him every- every year back in that part of the country. He never gave up his interest in the property he owned during his trips out of the country."

In the years immediately following the civil war the Freedmen had a hard time to live in the Cherokee Nation; times were very hard and it was with great difficulty that we could get enough to eat; we would have to kill wild hogs for meat and did well to get corn bread and wild onion to eat. We were in destitute circumstances for the years following the war when we were trying to improve places to live on. In the fall of 1866 Jim Landrum Sr was living on the old military road near Grand river in the Cherokee Nation, Indian Territory."

Witness to mark.
T. J. FARRAR
W. M. SILMS

her
ELIZA x TUCKER
MARK

Vinita, I. T.

Subscribed and sworn to before me this
6th
day of July, 1906.

VINITA, I. T.

THOMAS J. FARRAR
UNITED STATES COMMISSIONER OF THE 2ND
DISTRICT OF THE INDIAN TERRITORY

IN THE DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Cherokee Freedmen D 664, Jim Landrum Sr. et al.

United States of America,

Indian Territory

Northern District SS

This day personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory Allen Lynch to me personally well known who being by me duly sworn on his oath deposes and says:

"My name is Allen Lynch, my Post Office is Ketchum I. T. my age is fifty-five years and I am a Freedman citizen of the Cherokee Nation duly and lawfully enrolled as such and my name appears upon the authenticated Cherokee roll of the year of 1880. I know Jim Landrum Sr who is listed for enrollment as a Cherokee Freedman on Freedmen Doubtful card No 664. I have known him all my life. We were raised near each other. When the Civil war broke out Jim Landrum Sr was living with his master up some where about Big Creek in the Cherokee Nation and the Soldiers took us North and we both enlisted in the Army and served through the war together and when peace was made we were discharged in October 1865 at Fort Leavenworth, Kansas and we then went to Neosho Falls Kansas and remained there a short time in the fall of 1865 and about the time cold weather set in in the late fall of 1865 Jim Landrum Louis Vittitoe and another white man by the name of George Rockwell left Neosho Falls Kansas for the Cherokee Nation. I also left right after they did and caught up with them and Arch Landrum up where is now now as Labette Creek is not far from where Chetopa now stands in Kansas. We came right on down to the Cherokee Nation together and parted at Grand river in the Cherokee Nation. At Grand River George Rockwell went across the river to sell tinware and I also went across the river and Vittitoe and Arch Landrum and Jim Landrum went to the Jesse Cochran place and Jim Landrum had with him a woman by the name of Eliza Hilderbrand and two children. He was keeping this woman at that time. Jim Landrum Sr with this woman and two children moved into a servant house in the Cochran yard and later moved into a tenant house on land owned by Jesse Cochran Sr. Jim Landrum worked for Jesse Cochran the rest of the year of 1865 and worked for him and lived in his tenant houses until about the first of May 1866 when Jim Landrum moved out across the river from that Neighborhood and Vittitoe moved into the house vacated by Jim Landrum. Vittitoe lived on the Cochran place until in October 1866 when he killed Jesse Cochran Sr. I left that part of the country in the spring of 1866 in May I think it was and I did not see Jim Landrum any more until three or four years later I saw him at George Landrums house, (His Father's) splitting rails. This was on Grand river, near Simon Lynch's lake and Jim Landrum was splitting rails. This was in about 1869. I have no interest in this case.

Witness to Mark:
F. M. Briscoe,
Notary Public.

his
ALLEN X LYNCH,
mark

Subscribed and sworn to before me this September 20, 1905.

(SEAL)

O. P. FOREMAN
Notary Public.

My commission expires May 22, 1909.

DEPARTMENT OF THE INTERIOR,
WASHINGTON .

In the matter of the application of Jim Landrum Sr., et al., for enrollment as Cherokee Freedmen.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY) SS.
NORTHERN DISTRICT)

On this, the 23rd day of July, 1906, personally appeared before me, the undersigned Notary Public within and for the Northern District of the Indian Territory, THOMAS H. MOORE, to me well known, who being by me duly sworn, on his oath deposes and says:-

"My name is Thomas H. Moore, my age is 55 years, and my post office is Ketchum, Indian Territory." "I am a duly enrolled and recognized citizen of the Cherokee Nation, and have selected my allotment of land in the Cherokee Nation, and have received my certificates of allotment therefore.

"I was born and raised in the Cherokee Nation, and have lived here all of my life, with the exception of a short time during the war, while I was in Douglas County, Kansas. I have known Jim Landrum Sr. all of my life, and knew him before the war. We were boys together and were practically raised together and both of us belonged to the same family of Landrums, while we were slaves, Jim Landrum's master being a brother to my master, who were neighbors. "I returned from Kansas to the Cherokee Nation in the fall of 1865 and lived on the Jesse Cochran place for a short time and we then moved onto the Bob Daniels place on Grand River. The Pin Indians got so bad that we had to leave Grand River and go to Fort Gibson for protection. During the late fall of 1865 our family and Nelson Moore went to Fort Gibson and stayed there during that winter and came back upon Grand River in the Spring of 1866. When we got back in the spring of 1866 Jim Landrum Sr. was living on the Jesse Cochran place with Kliza Hilderbrand, who had two children. It was about the first of April, 1866 that I came back from Fort Gibson to the Jesse Cochran place and found Jim Landrum Sr. living there. When I got back from Fort Gibson I moved onto the same place I left, the Bob Daniels place on Grand River, and later on during the same year Jim Landrum moved onto this same Bob Daniels place, where I was then living and we were neighbors, our houses being in the same yard. This was in the summer of 1866. Jim Landrum continued to live in a log house on the Bob Daniels place for several months and the woman, Kliza that he was living with died in the log house that he had moved into, on the Bob Daniels place. I saw Jim Landrum in the Cherokee Nation through the summer and fall of 1866; he and I were neighbors; I had known him all my life, and during the year of 1866 our houses were in the same yard and we lived not more than 20 yards apart. In the latter part of the year of 1866, Jim Landrum Sr. left the Bob Daniels place and went over on Cabin Creek where Crap Lynch and Art Williams lived. The next year, & in 1867 Jim Landrum and Arch Landrum went to Fort Gibson and moved Aunt Winnie Ratoliff from Fort Gibson down on to Grand River. I was in Fort Gibson at the time Jim Landrum and Arch Landrum came after Winnie Ratoliff in 1867 and I remember it well, for right at the time we had a big dance at Fort Gibson, before Aunt Winnie left as a kind of a celebration of her leaving. At this time, while I was at Fort Gibson on this visit, I had left the Bob Daniels place and was living on the John Walling place on Grand River. Jim Landrum and Arch moved Aunt Winnie Ratoliff from Fort Gibson onto Grand River, right into my neighborhood. She moved into the house with her son, Arch Landrum, about three quarters of a mile from where I was living. Jim Landrum Sr. lived in the same house with Arch Landrum and Winnie Ratoliff until he, Jim Landrum, built a house for himself and Winnie Ratoliff to live in. This was quite a while after Kliza Hilderbrand had died. Jim Landrum and Arch Landrum

built a log house together for Jim Landrum and Winnie Ratoliff to live in about a mile and a quarter from where I lived, the same fall that they brought Aunt Winnie Ratoliff up from Fort Gibson, the fall of 1867, and Jim Landrum Sr. owned a half interest in this house. After this house was built, Jim Landrum went down to where his father, George Landrum, lived about 8 miles down the river, from where I lived, and helped his father improve some land, and he, Jim Landrum Sr. got 10 acres for his part, which he then owned and cleared up and fenced, and put it in cultivation. Jim Landrum also dug a well then on this place that belonged to him; he quarried the rock to wall the well with and built a stone chimney. All these improvements are still on this place. Jim Landrum Sr. has never to this day given up these improvements on this place. I know that Jim Landrum Sr. made the improvements on this place 10 acres of land and has at all times ever since that time, about 1868, owned them, and has never relinquished them to any one, that I ever heard of, but I have always known that they belonged to him, all these years. After the death of Eliza Hilderbrand, Jim Landrum Sr. made his home with Winnie Ratoliff, in the Cherokee Nation. Several years after Jim Landrum Sr. made the improvements on this 10 acres of land, he made several trips to Kansas, I would miss him for a while, and then he would be back home. He went back and forth from here to Kansas several times after he made his improvements on his place here, but he would only be gone a short time and his home was always here, in the Cherokee Nation. He would go up to Kansas and visit and work for a while and then come back home. During these years following the war, times were very hard for the Freedmen in the Cherokee Nation, and it was very hard to get enough to eat here, and many of the Freedmen would go back up in Kansas and work for a while to get something to live on. I remember of my father doing the same thing. Lots of the Freedmen would go up there for a while every year, for several years and work, and that was the only way that many of them made enough to live on here and keep their families, while they were improving their places. I know that Jim Landrum Sr. was a resident of the Cherokee Nation in the fall of 1866, and was here in the spring of 1867 and had been living in the Cherokee Nation for a long time then, and was here and has had his home here ever since; that about 1868 he made permanent improvements in the Cherokee Nation and has had them ever since.

I have no interest whatever in this case; I am a Cherokee Freedman, duly and lawfully enrolled as such, and have my allotment of land, but I do know that Jim Landrum Sr. returned to the Cherokee Nation before February of 1867 and established a residence here, and has been a continual resident here ever since."

THOMAS H. MOORE

Subscribed and sworn to before me this 23rd day of July, 1906

J. H. BLANTON

(SEAL)

Notary Public.

My Com. Exp. Oct. 7-07.

IN THE MATTER OF THE APPLICATION FOR THE ENROLLMENT OF JIM LANDRUM SR. &
AS CHEROKEE FREEDMEN.

United States of America,
Indian Territory,
Northern District SS.

On this 23rd day of July 1906 personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory/ Simon Lynch of Lawful age who being by me duly sworn according to law on his oath deposes and says:

"My name is Simon Lynch, My Age is seventy-six years and my post office is Chaffee, Indian Territory. I am acquainted with the applicant Jim Landrum Sr and have known him all of his life. I knew him before the Civil War. I came to the Cherokee Nation from Kansas in the summer of 1865 and looked over the country and selected me a place on Grand river. In the Spring of 1866 I brought my family down to the Cherokee Nation from Kansas and settled on Cabin Creek and later moved on to Grand river moving down there in the fall of 1866. When I brought my family to the Cherokee Nation and moved onto Cabin Creek I found Jim Landrum already here. That was in the spring of 1866. Jim Landrum was then living in the Cherokee Nation. He had been living with a woman by the name of Eliza Hilderbrand. Jim Landrum Sr continued to lived in my settlement until about 1870 and after 1870 he spent a part of his time in Kansas and was backward and forwards just as he could get work to do in Kansas and he spent part of his time in Kansas from that on until about 1885 when he came back to his old home the old George Landrum place which he had helped his father to make and lived there for a long time something like about eight years and then he moved to Vinita, Cherokee nation Indian Territory where he has continued to live and still lives.

In 1866 Jim Landrum Sr and his father George Landrum improved a farm in the Cherokee Nation which they owned jointly and after the death of George Landrum the said Jim Landrum Sr moved onto that farm and lived for some time. Jim Landrum Sr also improved a small farm of his own in 1867 and lived on it and kept that all the time thereafter. I know that during his trips to Kansas he owned a home and improvements in the Cherokee Nation during all of the time he was absent from the Nation and I have seen Jim Landrum Sr in the Cherokee Nation as often as one time each year since the year of 1866. I know that he was in Kansas some between the years of 1870 and 1885 but he was up there to get work because he could not get work down here. In 1868 and 1869 he would make trips to Kansas to visit his people up there but would only be gone a week or so at a time. I know that he was the owner of an improvement in the Cherokee Nation when he was living here from 1866 until about 1870 and that after that while he was away on his trips to Kansas to get work that he owned a place, a farm in the Cherokee Nation during all the time he was absent from the Nation.

Witnesses to Mark:

Simon X Lynch

Notary

W. E. Ross,
C. F. Armstrong

Subscribed and sworn to before me this 23rd day of July 1906.

W. E. Ross,

Notary Public.

My Commission Expires
October 17, 1909.

Copy.

United States of America,

Indian Territory.

Northern District SS

On this 23rd day of July 1906, personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory Charles Mayfield, who being duly sworn on his oath deposes and says:

"My name is Charles Mayfield, my post office is Chaffee, Indian Territory, my age is fifty-four years. I am a Cherokee Freedman and I came to the Cherokee Nation to Grand river in said Nation in the fall of 1866 and have lived there continuously ever since."

"The first time I went to the George Landrum place after my return to the Cherokee Nation was about the first days of February 1867 I went down to the said George Landrum place and I saw Jim Landrum Sr then at work on his fathers place"

"Jim Landrum at that time was at work shopping out and clearing out a piece of land, I lived about ten miles away from this place and was not down there very often. The next time I saw Jim Landrum Sr was in the fall of 1867. He and Arch Landrum came by my house then and had with them Winnie Ratoliff and her family including Kliza Tucker. About a year later I saw him at Crap Lynch's. They were all on a hunting expedition and Jim Landrum was along in the crowd. Prior to 1870 and after I first saw Jim Landrum Sr in February 1867 I never missed him from this part of the country but would see him occasionally and hear of him along all the time. From about 1871 until about 1885 he was in and out of the country. During the time he was out he had a piece of land improve and cultivation and his father tending to renting the land and collecting his rents, for Jim Landrum Sr during the time he was away at work. Since 1885 Jim Landrum Sr has lived in this country practically all the time; he of course would go out to get work when he could not get work in the Cherokee Nation to do. I know that Jim Landrum has owned an improvement upon the Public domain of the Cherokee Nation continuously since I met him in 1867."

He owned a piece of land in 1867 which he cleared out himself and during the time he was out at work his father exercised control of this land for him.

Charles Mayfield

Subscribed and sworn to before me this 23rd day of July 1906.

W. H. Ross,

Notary Public.

(Copy)

(Seal.)

My Com. Expires Oct 17, 1909.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

In the matter of the application of Jim Landrum, Sr. et al., for enrollment as Cherokee Freedmen.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY } ss.
NORTHERN DISTRICT }

Personally appeared before me, the undersigned, a Notary Public within and for the Northern District of the Indian Territory, on this 24th day of July, 1906, Ellis Warren, who being by me duly sworn, upon his oath deposes and says:-

"My name is Ellis Warren, my age is 54 years, and my post office is Hayden, Indian Territory. I am not a citizen of the Cherokee Nation and have never claimed any rights of citizenship in the Cherokee Nation. I have lived in the Cherokee Nation 34 years. I came here from Texas in 1872. I am acquainted with the applicant, Jim Landrum, and have known him since 1873. I first met him at his brother's house, John Landrum in 1873 on Lightning Creek about 1 1/2 miles from Hayden, Ind. Terr., he was at his brothers house then, and I saw him occasionally from then on, and he worked in the Hayden neighborhood occasionally after that until 1882, when I became more intimately acquainted with him. In 1882 and in 1883 Jim Landrum Sr. worked a part of each of these years in the Hayden country and I saw him frequently in these years, 1882 and 1883, around Hayden on Lightning Creek, and around Vinita. In 1884 I run a threshing machine, and threshed all over the Hayden neighborhood and all up and down Lightning Creek and Big Creek, and also in 1885, and in both 1884 and 1885, Jim Landrum went with me with the threshing machine all over the country, and worked for the people for whom I threshed. Since 1885 when we finished up that threshing season, I have seen Jim Landrum frequently, at different places in the Cherokee Nation and he has worked in this neighborhood several times since, at different times. I know that Jim Landrum Sr. was in the Cherokee Nation in 1873, for I first met him at his brothers' house, John Landrum, in 1873, and from then until 1882, I saw him once in a while, every few months, at different places in the Cherokee Nation, sometimes about Vinita and sometimes at his brother's house, near Hayden,

during these years he worked in the Hayden Neighborhood at several different times. Since 1883, I have been more intimately acquainted with him and I know that since then he has been in the Cherokee Nation most of the time, for he worked with me in 1884 and 1885 and I have seen him frequently ever since.

I have no interest in this case whatever, and am not myself a claimant in the Cherokee Nation, but I do know, that since 1873, Jim Landrum Sr. has been a resident of the Cherokee Nation, since I first knew him. I am a machinist by trade, and have lived in the Cherokee Nation continuously ever since I came here in 1872."

his
WILLIS X WARREN
MARK

Witness to mark:

A. B. Jackson.
David Canard.

Subscribed and sworn to before me this 24th day of July 1906.

Wm. Madden, Jr.

Notary Public.

(SEAL)

My Commission expires March 4, 1909.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

In the matter of the application of Jim Landrum Sr., et al., for enrollment as Cherokee Freedmen.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY } 88.
NORTHERN DISTRICT }

Personally appeared before me, the undersigned Notary Public within and for the Northern District of the Indian Territory, George Whitmire, of lawful age, who being duly sworn, upon his oath deposes and says:-

"My name is George Whitmire, my age is 30 years and my post office is Hayden, Indian Territory. "I am a Cherokee by blood, and am duly and lawfully enrolled as such and have my allotment of land. "I am acquainted with the applicant, Jim Landrum Sr., and have known him 15 years. "I first became acquainted with him 15 years ago, when I was working for a man by the name of W. M. Hiatt, who lived 2 miles east of Hayden, Indian Territory. Jim Landrum Sr. worked for Hiatt at the same time I did, " and I became acquainted with him then. We were thrashing at Mr. Hiatt's at the time and Jim Landrum helped us thrash, and after thrashing season was over he shucked corn that fall for Mr. Hiatt. I know that Jim Landrum was in the Cherokee Nation 15 years ago, because we worked together for Mr. Hiatt and Jim Landrum continued to work around there in that neighborhood after thrashing season, shucking corn for quite a while. I was 14 years old at this time, nearly 15, and was large enough to do almost a man's work.

I have no interest whatever in this case.

GEORGE WHITMIRE

Subscribed and sworn to before me this 24th day of July, 1906.

W. M. Madden, Jr.

(SEAL)

Notary Public.

My commission expires March 4, 1909.

United States of America,

Indian Territory

Northern District SS

On this 25th day of July 1906 personally appeared before me the undersigned Notary Public within and for the Northern District of the Indian Territory, Joe Davis of lawful age who being by me duly sworn according to law on his oath deposes and says:

"My name is Joe Davis, my age is Fifty-one years and my post office is Vinita I T.

"In the summer of 1866 I was living on Spring Creek in the Cherokee Nation, Indian Territory. In the fall of 1866 I saw Jim Landrum Sr on Spring Creek. He was at that time living on Grand river further up the river from where I lived. I also saw him on Grand river in the year of 1867 and also right along for sever years after 1867 in that community. After Jim Landrum came to the Cherokee Nation and improved a farm and built him a home he went back to Kansas to get work to do and as soon as he got out of work he always returned to his home in the Cherokee Nation. I saw him in the Cherokee Nation in the eighties and in fact I remember of seeing him in the Cherokee Nation right along each year. Jim Landrum Sr has owned a place on Grand river since 1867.

---Joe Davis-----

Subscribed and sworn to before me this 25th day of July 1906.

---John R. Campbell-----

My Com. Expires
May 21, 1908.

Notary Public

IN THE DEPARTMENT OF THE INTERIOR,

WASHINGTON.

In the matter of the application for the enrollment of Jim Landrum Sr.
et al., as Cherokee Freedmen.

United States of America,

Indian Territory,

Northern District SS.

ELIZA FULSON, of lawful age being by me duly sworn on her oath says:- "My name is Eliza Fulson, my age is forty-five years and my post office is Vinita, I. T. My name appears upon the authenticated roll of 1880 and I have resided in the Cherokee Nation all of my life except during the civil war when I was out of the Cherokee Nation. After the close of the civil war my father located in the Cherokee Nation moving onto what was known as the old Bob Daniels place on the east side of Grand River near Lynch's prairie where we lived after the war. While we were living on the East side of Grand River about six miles from Lynch's prairie after the war when I was a small girl I remember that Jim Landrum was living on Grand River and farmed there at one time when I was a small girl and I remember Jim Landrum was living in the same yard where we lived and that is the reason I remember so well because I saw him every day and his children played with me all the time in the same yard. Jim Landrum Sr. was a great fiddler and he played the fiddle for us all the time in the evenings and we children would dance every night almost. I remember seeing Jim Landrum right along in that part of the country where he was living up until about the year of 1871 he went up to Kansas to work for a short time and returned and after he that he lived down on Grand river in the settlement of where Aunt Winnie Rateliff lived. I have seen him right along since I was a small girl up to the present. At intervals since 1871 he would go to Kansas and remain for a short time. Jim Landrum improved a little farm in the Cherokee Nation when I was a small girl and built a log house which he continued to own until a few years ago.

Witness to mark;

F. M. Briscoe
A. O. Scott

her
ELIZA X FULSON
mark

Subscribed and sworn to before me this 25th day of July, A.D., 1906.

(SEAL)

F. M. BRISCOE

NOTARY PUBLIC.

My Com. Ex. June 24, 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of JEM LANDRUM, ET AL., as Cherokee freedmen, consolidating the applications of:

James Landrum, Sr., et al.....Cherokee Freedmen D 664,
Frances Banks, et al.....Cherokee Freedmen D 698,
Belle Landrum, et al.....Cherokee Freedmen D 700,
Alice Lynch, et al.....Cherokee Freedmen D 701,
Lissie Allen, et al.....Cherokee Freedmen D 703,
Ed Landrum.....Cherokee Freedmen D 1112.

Reply of the Cherokee Nation.

There is already quite a voluminous record in this case. James Landrum first appeared before the commission to the Five Civilized Tribes at Chelsea, I. T., on June 10, 1901, and was then represented by counsel, attorneys Mallette & Smith, when he gave his own testimony and he has been represented by counsel at every appearance before the commission to the Five Civilized Tribes since that time. When he first appeared on June 10, 1901, he introduced in support of his application John Landrum and Harry Still. On September 24, 1903, he appeared before the commission to the five civilized tribes and was again examined at length and introduced Arch Landrum in his own behalf. Subsequent to that date, namely, on September 14, 1904, the Cherokee Nation filed with the commission a motion praying that the case be reopened and on December 19, 1904, said motion was granted and the applicants were notified that testimony would be introduced both on behalf of the Cherokee Nation and on behalf of the applicants on February 8, 1906, before the Commission to the Five Civilized Tribes, when the applicants appeared in person and by ex-congressman R. W. Blue of the firm of Blue & Bulger, who represented the applicants, examined their witnesses and cross-examined at length the testimony introduced on behalf of the Cherokee Nation and after all the testimony was introduced in the case the same was by agreement closed. The Commissioner to the Five Civilized Tribes on September 8, 1906, rendered an opinion rejecting all of the applicants herein.

The attorneys for applicants file a motion asking for a rehearing in this case and attach numerous affidavits thereto, said motion for rehearing being upon the ground of newly discovered evidence.

It will be noted, as above observed, that the first testimony in this case was taken at Chelsea, I. T., on June 10, 1901, and that testimony was taken from time to time until 1905, or a period of four years.

We have frequently called the attention of the department to the fact that the commission to the Five Civilized Tribes publicly advertised that the commission would sit at various places throughout the Cherokee Nation at stated times for the purpose of taking testimony in these cases and this particular case shows that the applicants availed themselves of this opportunity: that on June 10, 1901, testimony was taken at Chelsea in this case, on September 24, 1903, testimony was taken at Vinita in this case, and that on different dates in 1905, testimony was taken at Muskogee in this case. It will thus be observed that ample opportunity and convenience were afforded both the applicants and the Cherokee Nation for the purpose of introducing the testimony and against applicants in these citizenship cases. Each one of the original jackets here will find notices to applicants of the times and places where testimony could be taken in these cases and the Commission to the Five Civilized Tribes took the caution to register a large number of these notices so that the applicants could not plead that they were not received. After the adverse decision of the commissioner to the Five civilized tribes on September 8, 1908, in these cases, attorneys for applicants began to file affidavits alleging newly discovered testimony. We submit that the first question to be decided by the Department is if as the record shows in this case the commission to the five civilized tribes went from point to point throughout the Cherokee nation and afforded ample opportunity to these applicants at their respective homes or near them to introduce testimony, and we desire right now to call attention to the fact that the postoffice address of James Landrum was Vinita, and the commission sat a number of times at Vinita, Indian Territory, and if ample opportunity was offered this applicant to introduce his testimony, and if this case, as the record shows was reopened and remanded and all parties notified that additional

testimony was going to be introduced on a day fixed by the commission, which was done in this case, and if as the record shows both parties were represented, the applicants in person and by counsel, and testimony was taken both for and against the applicants, the witnesses examined and cross-examined at length, and by agreement the case was closed and no motion filed to reopen until after an adverse decision was rendered, namely, on September 8, 1906, we submit that this case presents a lack of diligence that should be seriously considered and decided by the Department so that some rule may be laid down as to the reopening of citizenship cases. The applicant cannot plead ignorance; he was represented at every hearing by able counsel; at the first hearing by Mellette & Smith, as able lawyers as practice before the bar in Indian Territory; at the next hearing by ex-congressman R. W. Blue of the firm of Blue & Bulger, also known throughout the Indian Territory as able lawyers. In Cherokee Allotment Contest case No. 712, decided by the Commissioner to the five Civilized Tribes on June 6, 1906, the Commissioner held:

"The rule is general that a new trial or rehearing will not be granted on a mere showing that new evidence has been discovered. Newly discovered evidence in order to be sufficient must possess the following requisites:

- (a) It must be such as would probably change the result if a new trial is granted.
- (b) It must be discovered since the trial.
- (c) It must be such as could not have been discovered before the trial by the exercise of due diligence.
- (d) It must be material to the issues.
- (e) It must not be merely cumulative to the former evidence.
- (f) It must not be merely impeaching or contradicting the former evidence."

In support of the above decision there was cited the case of Moore versus Larney, Creek No. 49, wherein it was held:

"In motions for a rehearing resting on newly discovered evidence it should be shown that said evidence could not be discovered by due diligence, and the facts showing such diligence should appear." Citing 6 L. D. 9; 7 L. D. 136; 10 L. D. 483; 18 L. D. 31; 19 L. D. 543.

In this case there is absolutely no showing of any diligence whatever.

The leading case upon this question, passing upon the requisites of a motion for a new trial, by the Supreme Court of Arkansas, is that of *Barris versus Wise*, 2 Ark. 33, wherein the court held:

"The only remaining point to be determined is did the circuit court err in refusing a new trial on the ground of newly discovered evidence on the trial. The doctrine upon this subject is well settled both upon reason and authority and we will now fully state it. In order to entitle

a party to a new trial on the ground of newly discovered evidence since the former trial the affidavit in the case must prove:

1. The names of the witnesses whose testimony has been discovered and the facts expected to be established by them.
2. That the facts and circumstances as proved must show that the applicant has used due diligence in preparing his case for trial.
3. That the facts and circumstances newly discovered have come to his knowledge since the determination of the trial, and they must be such as if adduced on the trial were competent to prove the issue and would probably have changed the verdict, and,
4. That the evidence discovered is not cumulative of that previously relied on and that it will tend to prove material facts which were not put directly in issue on the former trial."

In this case a motion to reopen on behalf of the Cherokee Nation was sustained and the case set down for a new trial and parties given notice and after notice, testimony was taken and a decision rendered on September 8, 1905, after the taking of the testimony on February 2, 1905. Again, the case was closed by consent, both the Cherokee Nation and the applicants were represented by counsel and the witnesses examined and cross-examined. As to the question of diligence, quoting from the above decision, the court said:

"The appellant's affidavit does not show that he used due diligence to procure their testimony or attendance; secondly, he is not entitled to the benefit of the evidence which he might have discovered before the trial, but which has come to his knowledge since, merely because he made an effort or exertion to procure it before that time."

Now the applicant gives his postoffice as Vinita and the affidavits of all of the witnesses show that they reside there at Vinita, or a few miles south of Vinita on Grand River. One witness is Simon Lynch; he signs by ex mark and has testified in a great many cases before and admits that he was convicted of larceny in the Cherokee courts. The next witness is Joe Davis, a barber, who gives his age as 41, and was therefore only 11 years of age in 1866. He claims to have lived on Spring Creek, some fifteen miles from Grand River, and it is proposed now to introduce this boy of 11 years of age as against the old residents who lived in that vicinity many of whom are still living. But let me ask the department here and now what excuse does this applicant give for not introducing Joe Davis heretofore in the case, particularly in view of the fact that the Commission to the Five Civilized Tribes sat three or four times in the town of Vinita. In view of this can the applicant plead that he has used any diligence? Another witness signs her name as Eliza Pulson by ex mark;

she is now 45 years of age, and was therefore only five in 1866, but in view of the fact that she cannot now sign her name, she was certainly a very precocious youth. She lives at Vinita, and what excuse is given why she was not previously introduced as a witness in this case. Another witness is Ellis Warren who gives his age as 34, but he had only lived in the Cherokee Nation 34 years and he had only known Jim Landrum since 1873, and he signs by ex mark. Another witness is George Whitmire; he is 30 years of age, and he knew Jim Landrum about 16 years. Thomas H. Moore gives his age as 55. He was therefore 15 in 1866 and attempts to make an extended statement with reference to the whereabouts of Jim Landrum, Sr., in 1866, but no excuse whatever is offered why he was not introduced, and the same must be said of Arthur Bean, who once lived in Vinita, and his postoffice is now Chaffee; he signs by ex mark. George C. Davis makes an affidavit and he gives his postoffice as Vinita, so does Leander Bean; likewise, Eliza Tucker. So that it will be seen all of these witnesses live in or near Vinita, at least Vinita is their nearest railroad point, it is their trading point, it is the one point more convenient to them than any other, and as above observed the Commission to the Five Civilized Tribes sat at Vinita a number of times to hear testimony in freedmen cases and did hear testimony in this case there, and yet these applicants, nor their attorneys after consultation with them never availed themselves of the opportunity to introduce any of these witnesses living in the town or near there in this case.

In 2 Ark., 346, Olmstead versus Hill, the court held:

"The doctrine in regard to granting new trials on the ground of newly discovered testimony is fully explained and established in the case of Robbins versus Fuller, 2 Ark. 133. Indeed the authorities are so numerous and full upon the point and the principles upon which they rest are so obvious and conclusive that it seems almost impossible to overlook the essential requisites that the law requires to entitle a party to a new trial. He must have been guilty of no neglect or laches in preparing his case for trial. It must have been out of his power to procure the newly discovered evidence upon the former trial by due diligence and exertion to obtain it; and he must show to the court that the newly discovered testimony is material and important by the affidavit of the witnesses or by some other legal means; so that the court may judge of its materiality and sufficiency; and it must not be cumulative in its character and consequences. It is the duty of the parties to come prepared upon the principal points and new trials would be endless if every additional circumstance bearing upon the facts in litigation were the cause for a new trial."

We submit to the Department that this is an exceptionally strong opinion, and applying it to the case before us can it be said that the applicants are not guilty of any neglect or laches in preparing their case for trial in view of the fact that the case was once reopened and after notice to both parties testimony was taken and by consent the case was closed and a decision rendered. Again, can it be said by the applicants that it was out of their power to procure the newly discovered evidence upon either of the former trials in view of the fact that all of the witnesses they now propose to introduce, whose evidence is newly discovered, live at Vinita or in the vicinity thereof, when the commission to the Five Civilized Tribes sat a number of times at Vinita and heard testimony in freedmen cases. Again, can the applicants show that the alleged newly discovered evidence is not cumulative of that previously introduced. Evidence has been introduced as to the ownership of the principal applicant, his return to the Cherokee nation and his residence therein, and these are the three principal points in issue in this case. As stated in the opinion "it is the duty of the parties to come prepared for upon the principal points and new trials would be endless if every additional circumstance bearing upon the facts in litigation were the cause for a new trial." In other words, if every time the applicants found a witness who would make an affidavit that he saw him 40 years ago in the Cherokee Nation, he would make a motion for a new trial and it would be granted by the Department, certainly "new trials would be endless."

In *Pourland versus Mason*, 5 Ark. 286, the Court after suggesting that due diligence was not shown, held:

"The newly discovered evidence being shown to be cumulative does not authorize a new trial, and so all the authorities laid down the doctrine and the point has been repeatedly so adjudged by this Court in a number of cases."

Testimony has been introduced in this case upon the question of ownership, return and residence since the Civil war, and therefore the alleged newly discovered evidence is only cumulative of that heretofore introduced.

In support of our contention as to the requisites which should be contained in a motion for a new trial we desire to call the attention of

the department to the following decisions:

5 Ark. 406, 10 Ark. 558; 11 Ark. 671; 13 Ark. 360, wherein the Court held:

"Without going into the details of the evidence claimed to be newly discovered or its relevancy we may say in general terms that such applications are to be received with caution and this in proportion to the magnitude of the stake involved."

If such motions are to be received with caution, then we submit that an extra ordinary amount of caution should be observed if the case has once been reopened and has been twice set down for trial and closed.

In 17 Ark. 403, the Court held:

"Newly discovered evidence in order to afford the proper grounds for a new trial must possess the following qualifications:

1. It must have been newly discovered since the trial.
2. It must be such as reasonable diligence on the part of defendant could not have secured at the former trial.
3. It must be material in its object and not merely cumulative and corroborative or collateral.
4. It must be such as ought to produce on another trial an opposite result on the merits.
5. It must go to the merits and not rest merely on a technical defense."

In addition to the above we desire to cite the following cases decided by the Supreme Court of Arkansas, which fully sustain our contentions, some of which are exceptionally strong:

25 Ark. 89; 25 Ark. 334; 25 Ark. 360; 26 Ark. 121; 30 Ark. 724; 36 Ark. 514; 52 Ark. 120; 55 Ark. 312; 60 Ark. 481; 84 Southwestern 726, and it will be observed that it is not only necessary to state that diligence was used, but the applicant must, as decided in 28 Ark. 121, show what he has done in the way of attempting to procure newly discovered evidence so that the Court (the Commissioner or the Department in this case) may judge of the question of diligence. In other words, it is not sufficient for the applicant to say in his motion that he has used due diligence, but he must show what he has done and let the Department pass upon the question of diligence.

But we submit that there is absolutely no merit whatever in this case. Before going into the last testimony taken in this case we desire to call the attention of the Department to the opinion of Commissioner Breckinridge of the principal applicant, James Landrum, when he testified before him at Chelsea, I. T., on June 11, 1901, in the case of Celis Kirkpatrick,

she being a sister of the said James Landrum, in which case Commissioner Breckinridge said:

"The testimony of the applicant and of the witness, James Landrum, down to this point will be filed in the case of the said James Landrum, as it indicates that his testimony is unreliable and should be taken into consideration in weighing any statement he has made in his own application. His application is Cherokee Freedmen D 664."

This showed what weight Commissioner Breckinridge thought should be given to this principal applicant's testimony as early as 1901.

But lets examine this applicant's testimony taken before a representative of the Commission on September 24, 1903, at Vinita, I. T. He was being inquired of about his wife, Margaret Landrum, and was asked the following questions and gave the following answers thereto, namely:

"Q. Has your wife ever been out of the Cherokee Nation since you came back after the war? A She was out of the Cherokee Nation when I married her."

"Q. Since you married her and came back? A No sir."

"Q. Has she lived continuously in the Cherokee Nation since she came back after the war? A Yes sir."

Particular attention is invited to this in order to show the unreliability of this witness.

After the motion had been made to reopen the case and after the same had been returned and the records recite that on January 13, 1905, the applicants, their attorneys and the attorneys for the Cherokee Nation were duly notified by letter that they would be permitted to appear before the commission at its offices in Muskogee, Indian Territory, on February 2, 1905, and introduce testimony touching the points mentioned in said letter, and it shows upon that date that applicant appeared by Jim Landrum, Sr., and by attorneys Blue & Bulgar, and the Cherokee Nation was represented by Bell, Hastings & Davenport and upon this date the Cherokee Nation introduced the following witnesses: R. B. Moore, C. W. Learned and J. A. Lynn. R. B. Moore gave his postoffice as Neosho Falls, Kansas, and his age as 57 years. He had lived at Neosho Falls since 1866; he knew Jim Landrum, and he thinks that he knew him in 1865, but certainly he was positive that he knew him from the fall of 1866. He knew him previous to his marriage, and he knew his relatives and he knew about the time that he married, and he knew where he lived and he swears positively that he continued to live in that vicinity for a great number of years, and he

moved to the town of Neosho Falls and lived there some ten or twelve years, and he identifies the family in such a way that there could be no doubt whatever. O. W. Learned takes the stand and he gave his age as 49, and his postoffice address as Neosho Falls. He knew him since 1868, and his impression was that he was not married then, that he knew his wife's name, and he knows the different children's names and gives them, gives where they were born and he, like Mr. Moore, knew him there in the country and by the way he lived upon Learned's father's farm, and as above observed he knew them until some six or seven years ago; Learned knew them so intimately that he gives the nicknames of the children, and he knows the order of their births. J. A. Lynn corroborates the two other witnesses, and while he does not remember the exact year he first learned to know them, yet he knew them there for a great number of years and knew them intimately. There can be no question about this man and the other two being disinterested, nor can there be the slightest question that they knew them in and about Neosho Falls, Kansas. In view of this testimony are we not justified in saying there is no merit in this motion to reopen? Can it be said that men of as high reputation as the three above mentioned who knew Jim Landrum and his wife and family from the war up until about 1896 or 1897 are to be disregarded when they have no interest whatever in the determination of this case, who are not citizens of the Cherokee Nation, but men of high reputation.

But let us turn to their own testimony. Charles Lynch was introduced as one of their witnesses and although disqualified, yet he did not see Jim Landrum until 1867. He was asked:

"Q. Had you seen the Cherokee Nation before the fall of 1867? A. No sir."

"Q. You say you went away from there and was gone how long? A. I didn't say because I don't know."

"Q. Did you ever know of Jim Landrum and his wife and children living and keeping house anywhere in the Cherokee Nation prior to 1896? A. I couldn't say."

"Q. Did you ever know of them moving from Kansas to the Cherokee Nation and living before 1897, the time they moved to Vinita? A. No, I never knewed them to move."

This Charley Lynch is a son of Simon Lynch. The next witness was Orlora Foreman that they introduced; her postoffice is Vinita, and she is a sister of the applicant, and when asked the question:

"Q. When did you first see Jim Landrum in the Cherokee Nation after the war? A It must have been in 1867, when he came and stayed with me down at Fort Gibson."

And in answer to the next question she said it was in the Spring. And further on in her testimony she was asked; when she saw him again after he had left down there at Fort Gibson, namely in 1867, when did she see him again, and she says that she never saw him again until she moved to Vinita about twenty years ago.

Upon cross-examination she was asked:

"Q. I will ask you if Alice was not born in Kansas? A Yes, sir, I guess she was, I couldn't swear it because I don't know."

"Q. I will ask you if Ed wasn't born in Kansas? A Yes sir."

"Q. If Frances wasn't born in Kansas? A I just tell you like I said."

Further on in her testimony she was asked:

"Q. Were you not living in Vinita in 1897, when Jim Landrum moved his family from Neosho Falls, Kansas? A Yes, sir, I was living there."

Further on in her testimony to see if she knew when 1867 really was she was asked:

"Q. Did Jim Landrum have any children by his wife living in 1867 when you say he came down there and helped Luster put up hay? A Yes sir."

"Q. Which of the children were it they went back to Kansas to educate? A Ed and Alice."

Now, as a matter of fact the record shows in F. D. 801 and F. D. 1112 that Alice gave her age as 34 in 1901 and Ed as 33, and they were therefore born in 1867 or 1868 and 1866 or 1869, and could not have been born in the spring of 1867 as testified to by Chlera foreman and therefore we must conclude that Chlera did not see Jim as early as 1867, but it must have been as late as 1869, when he might have paid a visit to his sister at Fort Gibson. She cannot read and write and therefore knows nothing about dates. Again later on on redirect examination Mr. Blue asked Chlera

"Q. Was Jim's wife with him when he came down there to put up hay? A No sir."

"Q. When did you first see Jim's wife? A I never saw her until after I moved to Vinita, she brought the children down and went out to her father's."

"Q. How many children did she have then? A She had three with her and that is the first time I ever saw them."

Now it will be remembered that this Chlera is a sister of James Landrum; that she first lived at Fort Gibson about 80 miles directly south of Vinita and that she afterwards moved up to Vinita, and she tells of her first meeting Jim's wife, who was then the mother of three children when "she brought the children down and went out to her father's." Now

her father lived out on Grand River and when she testifies to her bringing the children down she means of course down from Kansas. Again in answer to an inquiry about the matter by the commission Chlora testified as follows:

- "Q. Was your brother married when he was down with you at Fort Gibson helping put up hay? A Yes sir.
"Q. You understand from him that his wife was up in Kansas? A Yes sir."
"Q. Did you understand from him at that time that he had some children? A Yes sir, I believe he said he had two."
"Q. Did he name them? A Yes sir."
"Q. What did he say their names were? A Alice and Ed."

Now this is the first time this sister sees him and Ed in F. D. 1112 which is consolidated with this case, gave his age in 1901 as 33, which would have made him been born in 1868, therefore, Chlora never saw her brother until after that time, and as a matter of fact she never sees him again until a few years ago after she, the witness, had moved to Vinita and this applicant had moved down from Kansas.

Mr. Moore, Mr. Learned and Mr. Lynn all identify him and his family positively; they name the children; they identify the principal applicant and the larger children who were present before the commission as being there in the hall at the time they gave even the nicknames of the children and they swear positively that they knew them from 1866 until some six or seven years prior to the time they testified in 1905, or until 1897.

Certainly if there is ever a case that there was no merit whatever in it is this one, and we do not believe that the department will permit this case to be reopened upon the testimony of these irresponsible witnesses in view of the fact that ample opportunity has been afforded these parties; in view of the fact that they have been represented by counsel, in view of the fact that there is no merit in this case, and particularly in view of the expressed opinion of Commissioner Brookbridge of the unreliability of the principal applicant in this case which certainly accounts for the vast number of certainly very unreliable affidavits filed in this case. That these children were all born in Kansas there can be no question; that they lived on Learned's farm for a vast number of years

there cannot be the slightest doubt; that they first permanently located in the Cherokee Nation in about the year 1897 is conclusively shown by the witnesses in this case.

We submit for the reasons hereinabove assigned that the motion to reopen should be denied.

Respectfully submitted,

8-15-02

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

JIM LAMARCA, et al.

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MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of Jim Landrum, et al., for enrollment as Cherokee freedmen, consolidating the applications of,

Jim Landrum, et al.,.....Cherokee Freedmen D 664.
 Frances Banks, et al.,....Cherokee Freedmen D 698.
 Belle Landrum, et al.,....Cherokee Freedmen D 700.
 Alice Lynch, et al.,.....Cherokee Freedmen D 701.
 Lizzie Allen, et al.,....Cherokee Freedmen D 702.
 Ed Landrum,.....Cherokee Freedmen D 1112.

In the above styled cases the representatives of the Cherokee Nation have been served with a copy of an affidavit which purports to be the affidavit of Eliza Tucker; also, with a copy of an affidavit which purports to be from Arthur Bean, and an affidavit which purports to be from Jim Landrum, and also an affidavit which purports to be from Eliza Fulsom. The copy of the affidavit purported to be from Eliza Tucker purports to be sworn to before J. C. Starr, Notary Public, as well as does the affidavit of Arthur Bean. The affidavits of Eliza Fulsom and Jim Landrum, or the copies that have been served on the attorneys for the Cherokee Nation, do not show to have been sworn to before any officer at all. For what purpose these affidavits were served upon the attorneys for the Cherokee Nation we do not know, but presume it was done for the purpose of trying to secure the Department to remand the case of Jim Landrum for further hearing.

It will be shown by these affidavits that they were prepared without any notice to the Cherokee Nation and that all of them are signed by mark and witnessed, or purported to be witnessed in some instances, and those that purport to be sworn to at all to be sworn to before J. C. Starr as Notary Public. We trust that we may be pardoned for referring to this matter at this time, as it is not a matter of record in this case, but it is a matter of record in all of the Cherokee freedmen proceedings that from the first day of April, 1901, up to the 5th day of July, 1905, J. C. Starr was the Secretary, Stenographer and Typewriter for the attorneys for the Cherokee Nation in making the freedmen roll and as such secretary had absolute control and was in possession of the records and proceedings of the attorneys' office for the Cherokee Nation and was familiar with all the records therein; that since July 5, 1905, he has not been with the attorneys for the Cherokee Nation, but has been the greater part of his time since that time working, together with James J. Bulger, Esq., aiding and assisting him in the preparation of the freedmen cases many of which he has knowledge of by virtue of his employment in the Cherokee attorneys' office. This is referred to because of the fact that James J. Bulger, Esq., admits that Mr. Starr is now assisting in the freedmen cases and that Mr. Starr has repeatedly stated to different parties that he was now working for the freedmen since he was not working for the Cherokee Nation any more. The affidavits which have been served upon us show the venom attempted to be poured forth upon the Cherokee Nation by reason of the fact that J. C. Starr is not further employed by the Cherokee Nation. It brings forth an ignorant class of negroes by ex parte statements, all signed by mark, and if placed upon the witness stand for cross examination in all probability they would not swear to any of the statements contained in these affidavits. We

contend that the manner of taking these affidavits in these cases which have been as thoroughly tried as the Jim Landrum case, is almost a fraud upon the government, as well as upon the Cherokee Nation.

On February 2, 1905, additional testimony was taken and many witnesses examined in these cases after which the Commission to the Five Civilized Tribes rendered a decision holding that the applicants did not qualify and return to the Cherokee Nation and take up their permanent residence within the time provided by the treaty of 1866. The record in this case is voluminous and has been gone over by the Commission with much care and consideration, and we say that the decision of the Commission is correct and that no proper construction can be placed upon it, nor can any conclusion be drawn from the testimony, other than the fact that Jim Landrum lived with his family at Neosho Falls, Kansas, for many years after the war. The testimony of Mr. Learned or Mr. Moore and others, show how long Jim Landrum and his family lived in or near Neosho Falls, Kansas, but this is not all.

A motion to reopen has been served upon the attorneys for the Cherokee Nation by the parties. If so the attorneys for the Cherokee Nation fail to find it, and these ex parte affidavits should not be received or considered unless presented in support of a motion properly and regularly served upon the attorneys for the Cherokee Nation. The attorneys for the Cherokee Nation contend that this case has been before the Department and back for further hearing and the Commission has twice examined the record and the testimony and after a due consideration find that the applicants are not entitled to enrollment and, therefore, recommended that they be not enrolled as Cherokee freedmen. With due deference to the action of the Honorable Commissioner of Indian Affairs and of the Honorable Secretary of the Interior the representatives of the Cherokee Nation contend that, while the Honorable Commission of Indian Affairs and the Honorable Secretary of the Interior are charged with the duty of reviewing and final action upon the applications for enrollment as Cherokee freedmen citizens, that in doing so they sit more in the capacity of review than of a court to pass upon the facts, and we urge that the Commission to the Five Civilized Tribes who have been given the opportunity to see the witnesses on the witness stand, of judging of their demeanor and of their bias and prejudice in the case and of the environments which surround him, are more competent to judge of the witness' credibility and truthfulness than any one who might receive the record miles away and read it and attempt to examine it and pass upon the facts. It deprives the Commission of its power to have these cases repeatedly remanded for further action and after they have further examined the case and decided adversely again to allow the case to be reopened and remanded upon ex parte statements of the applicants. Again, we think that it is high time to call a halt in these matters and that when these freedmen claims are represented by representative lawyers and they put in what facts they think are necessary to secure enrollment and close the case, they should be compelled to stand by their action and not permitted to continue to file motions to reopen in order to be permitted to file additional affidavits or testimony. There should be a closing or an ending to all lawsuits or controversies without which the Department of the Interior will never be able to wind up the affairs of the Five Civilized Tribes.

The Commission has now been engaged since April 1, 1901, in making a roll of freedmen citizens of the Cherokee Nation, the entire number who made application to the Commission to be enrolled being 6649, about 3800 of which were 1880 roll freedmen whose enrollment was made by the Commission without any controversy, they being freedmen whose names were on the 1880 authenticated roll of the Cherokee Nation, or the descendants of those whose names were on that roll. Taking this as a basis we ask if the procedure attempted

to be pursued by the attorneys in this case is permitted when shall the end come? Shall we continue another four years then at last day, the last hour and the last minute allow a motion to review to be presented, supported by the ex parte affidavits of parties who can not sign their names, but sign by mark, and sworn to before a Notary Public who is, if not attorney of record, is attorney in fact for the negroes and who has had the benefit of the entire information of the Cherokee Nation and who is in position to know the exact facts in the possession of the Cherokee Nation, when he goes out to get these affidavits.

We, therefore, submit that the affidavits as served upon us should be stricken from the records and returned to the attorneys for applicants, for the reason that no motion was regularly filed with the copies served on the Cherokee Nation and for the further reason that there should somewhere along the line be an ending of this controversy.

Respectfully submitted,

Attorneys for the Cherokee Nation.

By _____

BEFORE THE DEPARTMENT OF THE INTERIOR,
Washington.

To the Honorable,
The Secretary of the Interior.

In the matter of the application of Jim Landrum, Sr., et al., (Cherokee freedman D-364) for enrollment as Cherokee freedmen.

SUPPLEMENTAL EVIDENCE.

We herewith respectfully submit to the Honorable Secretary of the Interior, in support of the applications of Jim Landrum Sr. and his family the affidavits of Judge Jess Cochran, a Cherokee Indian who was formerly an Associate Justice of the Supreme Court of the Cherokee nation and, who, as his affidavit shows, has held many positions of trust under the Cherokee government; as well as that of Leander Bean, a duly enrolled Cherokee freedman, and George C. Davis, a Cherokee freedman whom the record shows and who swears, was in the same service with Jim Landrum in the 79th.

The reputation of Judge Cochran for truth, etc. in the Cherokee nation, is, we submit, such that neither the Honorable Commissioner nor the Cherokee attorneys will have the hardihood to say ought against it, while these two witnesses, Leander Bean and George C. Davis, are recognized as men of worth.

Judge Cochran swears that Jim Landrum, Sr. live in his father's, (Jess Cochran's) house with one Eliza Hilderbrand during the winter of 1865 and until grass time in the spring of 1866, or until Louis Vittitoe a white man who came to the nation with Jim Landrum in the fall of 1865, returned to the state of Kansas, and moved his family to the Cherokee nation and into the house occupied by Jim and Eliza during the winter of 1866 and until Vittitoe was ready to move in.

Judge Cochran further says that when Jim and Eliza moved out of this Cochran house, they moved into another neighborhood, across the river, and that on October 22, 1866, Vittitoe killed Jess Cochran, Sr., and he, affiant left the neighborhood and lost track of Jim and Eliza.

This was in 1866. Judge Cochran fixes the date by the fact that Vittitoe killed his father October 22, that year and was then living in the house vacated by Jim and Eliza.

This clearly shows that the Honorable Commissioner is mistaken when he holds that Jim Landrum did not return to the Cherokee nation until the year of 1886.

These numerous affidavits filed in support of this application show beyond a doubt that Jim Landrum, Sr. moved to the Cherokee nation in the fall of 1865 and became a resident thereof at that time, if it be held that he lost his Cherokee residence by being taken out of the limits of the Cherokee nation by the federal army and remaining out in the service of said army until a few weeks after his discharge in the fall of 1865, it is evident that he was a resident of the Nation during the winter of 1865 and the spring and summer of 1866, and if he moved from the Cochran place into another neighborhood with the woman, Eliza Hilderbrand, and her two children, it is evident that he was residing there on August 11, 1866, and on account of this fact, among others, was made a citizen of the Cherokee nation on that date, and his rights should now be determined precisely as the rights of a native Cherokee citizen who was residing in the Cherokee nation at that time.

If he did not subsequently move out of the limits of the Nation and become a citizen of some other government than that of the Cherokee

Page 2, Jim Landrum, Sr.

Or if he went out of the limits of the Cherokee nation and did not become a citizen of the United States by naturalization, and did not return to and in good faith settle in the Cherokee nation prior to June 28, 1898, (Curtis Act, Sec. 21), is is not entitled to be enrolled as a citizen of the Cherokee nation.

The burden of proof is undoubtedly upon the Cherokee nation to show that Jim Landrum did become a citizen of the United States by naturalization or did not return to the Cherokee nation and in good faith settle therein prior to June 28, 1898.

There is no more evidence in the record to show these things than is there to warrant the Honorable Commissioner is inserting in his opinion of September 8, 1905 in the Burrell Daniels case, that Daniels VOLUNTARILY accompanied Col. Joel Bryant from Texas to Mexico in the spring and summer of 1865.

The record together with the affidavits of the numerous Cherokee citizens herewith and heretofore filed in support of this application, show, beyond a doubt, that Jim Landrum, Sr. did return to the Cherokee nation in the fall of 1865, within a few weeks after he was discharged from the service in the United States army, and remained in the Cherokee nation for some year, and did not thereafter go out of the limits of that nation with his effects and become a citizen of any other government, and yet the Honorable Commissioner say that he did not return to the nation until 1885..

It is not contended that Margaret Landrum did return to the nation with Jim in 1865. At that time he was living with a woman, Eliza Hilderbrand.


We respectfully submit to the Honorable Secretary of the Interior that a Commissioner whose duty it is to ascertain who are the persons entitled under the law to be enrolled as Cherokee citizens, does not demonstrate the spirit of an impartial judge, when he, in the very teeth of the facts as shown by the record and the numerous affidavits filed in this case, holds that Jim Landrum did not remove to the Cherokee nation after the close of the Civil war and establish a residence therein prior to the year 1885; and holds that Burrell Daniels VOLUNTARILY accompanied Joel M. Bryant from Texas to Mexico, etc., when at that same the record shows that Jim Landrum was taken by the Union army out of the Nation in 1862, and joined the 79th and served therein until 1865, and then returned to the nation within a few weeks after his discharge and lived on the Jesse Cochran place in that Nation during the winter of 1865 and the spring of 1866 and then moved across the river into another neighborhood.

Yet, does not the department hold, and the record clearly show that Burrell Daniels and his family were abducted by banditti scouting from the Federal forces, and taken by them into Mexico and there held under the "peon" law, by them, to the Governor of Chihuahua..

These are but samples of the various decisions wherein is shown the disposition above mentioned.

One thing is clear, either the Honorable Commissioner not correct when he states in his opinion Jim Landrum did not remove to and establish a residence in the Cherokee nation before the year 1885, or Judge Jesse Cochran, Nelson Moore, Blue Thompson, Lendie Bean,, Columbus McNair and other are guilty of perjury in making the statements they make in their affidavit, under oath.

Respectfully Submitted,



Attorneys for Applicants.

BEFORE THE DEPARTMENT OF THE INTERIOR,

Washington

In the matter of the application of Jim Landrum, et al. for enrollment as Cherokee freedmen.

United States of America,
Indian Territory,
Northern District.

SS.

Affidavit.

On this 20th day of Sept. 1905, personally appeared before me, the Notary Public duly commissioned and acting as such within and for the Northern District of the Indian Territory, Jesse Cochran, to me well known as a person entitled to full faith and credit, and who, being first duly sworn, on his oath deposed and saith:

"My name is Jesse Cochran; my post office address is Chelsea, I. T.; I have resided in the Cherokee nation all my life, and am listed on the present roll of the News Commission as a full blood Cherokee, but my mother was a full blood Cherokee Indian and my father was a half breed.

I have held the office of associate justice of the Supreme Court of the Cherokee nation for three years; was sheriff of Cooweescoowee District of the Cherokee nation for four years, having been twice elected to the office, and was deputy sheriff for two ~~XXXXXX~~ years; held the office of District Attorney for two terms, four years in all; held the office of captain of the guard and assisted the Treasurer of the Cherokee nation in distributing the \$6,640,000.00 in 1894, in what is known as the Strip payment.

Prior to the Civil war, at one time, I lived within five miles of where Jim Landrum Sr. (Cherokee freedman D-664) lived, and was quite well acquainted with him. About the time the Civil war broke out, Jim Landrum was living with his master on Big creek when the war broke out and I did not see him any more during the war, and the next time I saw him was during the fall of 1865 after cold weather. I was living with my father on Grand river, Jim Landrum and Lewis Vittitoe came to my father's house after cold weather in the fall of 1865. They said they had come from Kansas. Jim commenced to work for my father and worked for him continuously from the time he came there in the late fall of 1865, until after grass was up in the spring of 1866, when he left that part of the neighborhood. We became separated. During the time Jim Landrum, Sr. worked for my father, I was with him a great deal, and I know personally of my own knowledge that he never left the Cherokee nation during that period. I was with him practically all the time. He went with me to hunt wild hogs frequently. He lived in a servants house and was keeping a woman there by the name of Eliza Hilderbrand with two children, and when we would kill wild hogs, we would divide them with Jim Landrum Sr. Lewis Vittitoe who came from Kansas in the late fall of 1865 with Jim Landrum, went on down to Lynch's prairie and stayed around there several months and then went back to Kansas. In the spring of 1866, Vittitoe having previously gone back to Kansas, returned with his family and rented the house in which Jim Landrum lived. Jim had to move out and let Vittitoe move in.

This was in the spring of 1866, after grass was up, and Jim moved across the river, with Eliza Hilderbrand and these two children of hers, and this was into another neighborhood. In the fall of 1866, I went into another neighborhood myself. This man Vittitoe moved into the house that Jim Landrum vacated, worked for my father along in the fall of 1866, on October 22, 1866, killed my father. I have no interest in this case.

C. W. LEARNED,

— DEALER IN —

Clothing, Hats, Caps and Shoes, Etc.

GENTS' FURNISHING GOODS.

Neosho Falls, Kansas, Jan 16 1904

Attorneys for the Cherokee Nation

Dear Sir

James at hand. and would say I
know James Landrum and Margaret his
wife long since 1868. They had 9 children
born on my Father's place. Jessie was named
after my Sister and they had one
named after my Sister Hattie but I think
she died. and James Landrum lived here
all the time until he moved back a few
years ago. I can furnish you witnesses
to that effect by good men.

James Furley
C. W. Learned

COMMISSIONERS
TAMM HIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D 664, et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 31, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the Commission's decision dated August 29, 1904, granting the applications for the enrollment of M. Emma, Viola, Belle, Velma, Jim, Sr., Jessie, John, Jim., Jr., Barbara and Nelson Landrum, Lizzie and Frank Allen, Alice and Laura Lynch, Frances, Earl, McKinley and Hortense Banks, and rejecting the application for the enrollment of Margaret Landrum, as Cherokee freedmen.

You are hereby advised that you will be given fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which you will be required to furnish the principal applicants. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-53

Chairman.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F D-664 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 21, 1905.

Bell, Hastings, & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the applications for the enrollment of Jim Landrum, Sr., et al., as Cherokee freedmen, consolidating the applications of Cherokee F D-664, 698, 700, 701, 702, and 1112.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. GL-221.
GHL

Vinita, I. T., 10/14/1905.
Messrs Bell, Hastings & Davenport,

Muskogee, Indian Territory.

Gentlemen:

Enclosed please find an affidavit of Judge Jess Cochran,
together with a few remarks, etc.

Yours truly,

Bule & Bulger,

A handwritten signature, likely of Bule & Bulger, consisting of several overlapping loops and a final horizontal stroke.

Refer in reply to the following:

-Copy-

Land,
73494-1906
60973- "

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated September 9, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Jim Landrum Sr., for himself, his wife, Margaret Landrum, and their minor children, Jessie, John, Jim Jr., Barbara and Nelson Landrum; by Frances Banks for herself and minor children, Karl, McKinley and Hortense Banks; by Belle Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Linnie Allen for herself and her minor children, Emma and Viola Landrum and Frank Allen; and by Ed Landrum for himself. September 9, 1905, the Commissioner decided adversely to all the applicants.

The record shows that on August 20, 1904, the Commission to the Five Civilized Tribes rendered a decision admitting the applicants herein except Margaret Landrum, who was denied; that thereafter, on December 19, 1904 on motion of the Cherokee Nation, the case was reopened by the Commission.

The evidence shows that Jim Landrum Sr., and Margaret Landrum, his wife, were the slaves of Cherokee citizens at the beginning

of the war of the rebellion; that they removed from the Cherokee Nation during the war, and that they, or either of them, did not return to the Cherokee Nation and establish a residence therein on or before February 11, 1867. It is further shown that all of the other applicants were born since the close of the war of the rebellion, are lineal descendants of Jim Sr., and Margaret Landrum, and except as to Laura Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee Freedmen, other than as such descendants. It is further shown by the evidence that one Taylor Newman, a non-citizen, is the father of Laura Lynch and that one Will Allen, a non-citizen, is the father of Frank Allen.

Except the Kern-Clifton roll none of the applicants are identified on any roll of the Cherokee Nation.

There is also enclosed the protest of the applicants, together with affidavits and brief in their behalf which has been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

H.M.M. - H.L.

COPY

I.T.D. 10937-1906.

I.P.
V.M.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.R.S.

November 21, 1906.

Mr. J. J. Bulger,
Vinita, Indian Territory.

Sir:

The affidavits received with your letter of November 15, 1905, which you request be considered with the Cherokee freedmen case of Jim Landrum, Sr., et al., are returned herewith, as the case has not reached the Department, and as they are not filed as the basis of a motion for rehearing, but it is evidently intended that they should be received as evidence to be considered in connection with the testimony taken before the Commission to the Five Civilized Tribes or the Commissioner to the Five Civilized Tribes.

The law does not contemplate proving citizenship in such cases before the Department in this manner, for it authorizes the Commission to the Five Civilized Tribes "to require all citizens of such tribes, and persons who should be so enrolled, to appear before said Commission for enrollment, at such times and places as may be fixed by said Commission." See section 21 of the act of June 25, 1896 (30 Stat., 495).

There is no allegation that said Landrum did not have a fair opportunity to be heard before the Commission, nor is the claim

of newly discovered evidence made.

The Commissioner to the Five Civilized Tribes having primary jurisdiction in Cherokee freedman cases, it would seem proper that the judgement of the Department should not be influenced to direct enrollment in this case by statements never before him or the Commission to the Five Civilized Tribes. The Department would not probably object to a rehearing in this case upon any reasonable showing, when, in such case, the Commissioner could determine whether to excuse Landrum and his proposed witnesses, on the ground of poverty, from appearing before him.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 enclosure.

D. C. 54260-1905.
I.T.D.10937-1905.

LRS

Y. P.
S.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 23, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

For your information there is enclosed a copy of Departmental letter of November 21, 1905, to Mr. J. J. Bulger, relative to Cherokee freedman case of Jim Landrum, et al. Since this letter was written such case has been received.

Respectfully,

1 enclosure.

(Signed) Thos. Ryan
First Assistant Secretary.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.J.F.

LLB

L.F.D. 17846-1906.
15720-1906.
13686-
22800-
25946-

February 6, 1907.

LR2

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On November 20, 1905 (Land 80973), the Indian Office transmitted your report dated September 11, 1905, forwarding the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Jim Landrum, Sr., for himself, his wife, Margaret Landrum, and their minor children, Jessie, John, Jim, Jr., Barbara, and Nelson Landrum; by Frances Banks for herself and minor children, Earl, McKinley, and Hortense Banks; by Belle Landrum for herself and her minor child, Velma Landrum; by Alice Lynch for herself and her minor child, Laura Lynch; by Lizzie Allen for herself and her minor children, Emma and Viola Landrum and Frank Allen, and by Ed Landrum for himself, together with your decision of September 8, 1905, adverse to all of said applicants.

The Indian Office concurs in your decision. A copy of its letter is inclosed.

On September 26, 1905, the attorneys for the applicants filed a protest against your decision, requesting that it be rescinded and the applicants enrolled. This request is denied.

It appears from the evidence that Jim Landrum, Sr., and Margaret Landrum, his wife, were the slaves of Cherokee citizens at the beginning of the war of the rebellion, and that they removed from the Cherokee Nation during said war.

Jim Landrum, Sr., seems to be identical with one James Landrum, who was enrolled in Company H, First Kansas Colored Infantry, also known as Company H, Seventy-ninth United States Colored Infantry, at Fort Scott, Kans., on March 26, 1863, and mustered in as a private of said company and regiment on May 1, 1863, and that said James Landrum was mustered out with his company on October 1, 1865, at Pine Bluff, Ark., and discharged at Fort Leavenworth, Kans.

The evidence tends to show that said Jim Landrum returned to the Cherokee Nation on or before February 11, 1867, but does not clearly show whether he returned prior to his marriage or subsequent thereto. It does not appear, however, that Margaret Landrum returned to the nation prior to February 11, 1867.

The record further shows that after a very short period spent in the Cherokee Nation said Jim Landrum returned to Kansas and took up his residence near and within the town of Neosho

Falls, Kans., where he remained until about the year 1897. There is no evidence to show that said Jim Landrum owned any property or left any effects within the Cherokee Nation, and if said Jim Landrum ever acquired citizenship in the Cherokee Nation under article 9 of the treaty of 1866, he must have expatriated himself under the laws of the Cherokee Nation. All of the other applicants were born since the war of the rebellion and are lineal descendants of Jim Landrum, Sr., and his wife, and except as to Louise Lynch and Frank Allen, neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendants. It is further shown that the fathers of these applicants are noncitizens.

The Department considers that your decision in this case is correct. It is accordingly affirmed.

The papers are returned for the files of the Indian Office.

Respectfully,

Thos Ryan

First Assistant Secretary

Through the Commissioner
of Indian Affairs.

1 inc. and 12 to Ind. Of.

REFER TO REPLY TO THE FOLLOWING:
Muskogee F.
Muskogee et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 2, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian territory.

Dear Sir:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes, dated September
8, 1905, rejecting the applications for the enrollment of
Jim Landrum, Sr., et al., as Cherokee freedmen, was affirmed
by the Secretary of the Interior, February 6, 1907.

For your information, there is enclosed herewith a
copy of Departmental decision referred to.

Respectfully,

Encl.H-251
JMH

Commissioner.

NOTICE!

IN THE MATTER OF the application of Jim Landrum
for enrollment as Cherokee Freedmen
Case No. F. D. A. 4

To ~~Jim Landrum~~ ~~Director of the Cherokee Nation~~ & ~~Chief of the Five Civilized Tribes~~ at Muskogee, Okla.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Winnipeg, Indian Territory, on Oct. 1, 1901 at 8 o'clock AM or from day to day thereafter until the same may be heard by said Commission during the next business

F. D.

664

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this.....
day of A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of **SEP 23 1901**, 190....

Matthias J. Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190....

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with the
DAVES COMMISSION.

SEP 24 1901

Cher Fr D 665

Cher Fr D 665

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelapa, I. T., June 16, 1901.

In the matter of the application of Benjamin Beck for the enrollment of himself, his wife and three children, as Cherokee Freedmen, Benjamin Beck, being duly sworn and examined by Commissioner Henkle, testified as follows:

- Q What is your name? A Benjamin Beck.
Q What is your age? A About 55.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My three children, and wife I guess, she is adopted.
Q What is your wife's name? A Bettie Beck.
Q Is she a Cherokee citizen? A No, sir.
Q She is what is known as a state woman? A Yes, sir, I guess so, she used to belong to a Cherokee but she never tried to prove up.
Q How old is she? A She is 55.
Q Give me the names of your children? A Pearl.
Q How old is Pearl? A 20.
Q The next child? A Josephine Beck.
Q How old is Josephine? A 18.
Q The next one? A John Beck.
Q How old is John? A 15.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, have been.
Q Is your name on the roll of 1880? A I don't know, it ought to be if it isn't.
Q Is it on any of the rolls of the Cherokee Nation? A Yes, sir, on some of the rolls.
Q What rolls? A The last roll was made I guess had got it.
Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.
Q Did you draw the Wallace money? A No, sir, I didn't that.
Q You drew the Kern-Clifton money? A Yes, sir, I drew in in 1895.
Q Where were you married to your wife Bettie? A That had been about 22 or 23 years ago.
Q What was her name? A She was a Carter.
Q Was she your first wife? A Yes, sir.
Q You had first husband? A Yes, sir.
Q She is living? A Yes, sir.
Q You have living with her continuously since? A Yes, sir.
Q The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
Q The 1895 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
Q The Kern-Clifton roll examined, and the applicants identified thereon as follows:
Benjamin Beck on page 127, No. 5155, Delaware district, as Ben Beck;
Bettie Beck not on Kern-Clifton roll;
Pearl Beck on page 127, No. 5156, Delaware district;
Josephine Beck on page 127, No. 5157, Delaware district;
John Beck on page 127, No. 5158, Delaware district.
Q Are these children all living with you at this time? A Yes, sir.
Q All born in the Cherokee Nation? A Yes, sir, part of them.
Q Were you a slave? A I was raised up with the Beck family, they claim I was a slave, my people was all part Indian.
Q Slave of who? A Joe Beck.
Q Where were you born? A Why when the war come up I was in

Benjamin Beck - 2.

Flint district.

Q Did you go out of the Cherokee Nation during the war? A I was with the soldiers, yes sir.

Q Were you a soldier yourself? A No, sir.

Q Where did you go with them? A Traveled around there in the Nation a while, where they would fight.

Q Did you ever go out of the Cherokee Nation? A Yes, sir.

Q Where to? A Fort Scott, Kansas, is where they left me.

Q When did you come back to the Nation? A I came back after the war.

Q How soon after the war? A Well it was, the people said it was in '66.

Q You don't know what year it was? A No, I just know what the people told me.

Q Who did you come with? A I came the time Jack Landrum and George Landrum, I believe, and a lot of them.

Q Have you been living in the Cherokee Nation since that time?

A Yes, sir.

Q Where did you marry? A I married up here on the line.

Q Is Pearl your oldest child? A Yes, sir.

Q You're up on the line; you mean you married in Kansas?

A Kansas.

Q A Kansas woman? A Well, yes.

Q Where was your oldest child born? A Up there.

Q In Kansas? A Yes, sir.

Q Where was Josephine born? A She was born there.

Q And John? A No, sir, he was born here.

Q Then you were living in Kansas when these children were born?

A Well, I was in here and went back, I brought them in here after that.

Q You were living there when they were born? A Yes, I lived there a while.

Q Lived there when you married, about 22 or 23 years ago?

A Yes, sir.

Q When did you come back from Kansas back the last time with your family, and make your home in the Cherokee Nation? A I came back a couple of years I guess, after that.

Q After these children were born? A Yes, sir.

Q After the youngest child was born? A No, sir, the second.

Q After the two oldest? A Yes, sir, the youngest was born here; the middle one was born about 18 years ago.

Q And then you came back? A Yes, sir, about two years after that.

Q Two years after that, then you came to the Cherokee Nation about 18 years ago, is that right? A Yes, I guess it is.

Q Have you been living here ever since? A Yes, sir.

Q Got a farm in the Cherokee Nation? A Yes, sir, got town property.

Q What town do you live in? A Vinita.

Q You live in Vinita? A Yes, sir.

Q Why didn't you appear before the commission when we were at Vinita? A My folks was sick, and then I couldn't get my witnesses.

Q Who are your witnesses? A Rachel Beck and Ben Grinnett.

Q Where did you first see Ben Grinnett? A Big Creek.

Mr. Hastings: How long after the war? A Why it was when I first came back.

Q Did you live on Big Creek? A I lived there a while; that was when I was single.

Q How long did you live there before you went back to Kansas?

A I didn't live there long, that was in my single days, I just traveled backwards and forth, different places in the Nation.

Q You never located here until you married? A I had a place up

Benjamin Beck - 5.

there a while but then I gave it up.

Q You never sold it to anybody? A I just gave it up to a man.

Q How long did you stay on that place? A Why I don't didn't stay on it, I just took it up like the old rule used to be, we took up a place and sold it if we wanted to.

Q You didn't sell that? A I did sell it, but then I didn't get nothing for it.

Q When did you sell it? A I don't know just exactly how long that has been.

Q Who did you live with up there? A Why I stopped with Moses Whitmire, little Mose, he claimed to be a relation on the colored side.

Q Is that the first time you ever saw Ben Grinnett? A Yes, sir, along there.

Q About how many years after the war was it when you saw him? A It wasn't long after the war.

Q About how many years? A I don't know, might have been along about a year I guess; it was reported around up there in Kansas we all had to come back and I followed them, I was nothing but a boy, a young man.

Q Who did you come along with? A I came in with George Landrum and then after they came and Jim Landrum.

Q You didn't come with them? A No, sir, not exactly right with them.

Q You came afterwards? A Yes, sir.

Q How long had they been here when you came? A They came in the spring and I came along in the fall, as near as I can recollect.

Q The fall afterwards? A Yes, sir.

Q And you stayed there a short time did you, and you went back to Kansas? A No, I stayed here a good while, first over up on Lightfoot Creek and on Grand River, with my people.

Q Where place did you go to first? A I came to Mose Whitmire, her husband was named Mose.

Q And they were living on Big Creek? A Yes, sir.

Q They have a house there? A They were just building.

Q Had they raised a crop there? A They had a little crop, they were cleared out in the timber.

Q They had some corn they had raised that year? A They were raising, yes, sir.

Q Who were your neighbors up there then? A There was several of them, the Whitmires.

Q Did Martin live there? A Yes, sir, I was down to Jim Martin's place too.

Q He was living there then? A That is one Jim.

Q Overlooked him? A Yes, sir, there was two or three of them Jim Martins.

Q And still Martin his brother? A Yes, sir.

Q They were living up there then? A Yes, sir.

Q What did you do up there? A I just knocked around and worked a little and traveled.

Q Where did you travel to, Kansas? A No, I never went then, I was in here off and on, and then I went to Fort Gibson, I was hunting up my people. For a long time they said my people was Cherokee. Well I met up with a good many Cherokees said my father was a full blood and they claimed my mother was a Cherokee woman, and I went to Fort Gibson.

Q You claim your mother was a Cherokee? A Yes, sir.

Q You say how was owned you? A I was with the Beck family.

Q Which one? A Joe Beck.

Q You old enough to know who owned you? A Yes, sir, I was old enough, I thought I was one of the Beck boys until later the way I came back hunting up my people.

Q How long had you known your wife or there before you married her?

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A Not long, I just went up there and married her.

Q That was in Emporia, Kansas? A Yes, sir.

Q And your two children were born there? A Yes, sir.

Q Then where did you move? A Down here.

Q Where to? A Big Creek.

Q What year did you move down here? A I can't tell the years.

Q Was that about the time the Wallace payment was made? A Before that.

Q How long before that? A Some five or ten years I guess; five or six years I guess.

Q Well, you didn't have any place to call your home before you were married? A Yes.

Q Where did you live? A I lived to myself, I rented.

Q Did you have a house of your own up there? A No, I never traded for any place or got any place there.

Q Where did you have a house to live in? A Why I rented a place, there was a house on it.

Q Whose place did you rent? A It was one place beyond the Wils Towers.

Q That was the first place you rented after you came back?

A Yes, sir.

Q Where was the place at? A There was a house adjoining it belonged to John Sanders.

Q He had a little farm in there when you came? A Yes, sir.

Q And you rented that the first year? A Yes, sir.

Q And you made a crop there? A Yes, sir.

Q How long had Wilson Towers been there when you came? A He had been there, they said he was there in '65.

Q How long was that before you came? A I don't know just exactly how long, he didn't have much broke out there.

Q About what size farm did he have when you came? A I suppose he had some fifteen or twenty acres broke out? A Yes, sir.

Q He had raised a crop at it the year before? A Yes, sir.

Commissioner: You say your father was a full blood Cherokee?

A Yes, sir.

Q What was his name? A Well, his name was Brangould, George.

Q You don't claim through him? A No, sir; in the time I came back here hunting up my people, I came up with the Beck family and I thought they were my people.

Q You never found your people? A My father and mother was dead, my father and mother both died before I can recollect.

Mr. Hastings: The first time you saw Ben Grinnett was when you were living on the Wils Towers place? A Yes, sir.

Ben Grinnett, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Ben Grinnett.

Q How old are you? A I am about 35 I guess.

Q What is your next office? A Novato.

Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir.

Q Do you know the applicant Benjamin Beck? A Yes, sir.

Q Well, how long have you known him? A I have been knowing him I guess about, oh it has been a long time, I guess it was in the spring of '66 that is the first time I ever saw him.

Q Where? A At Pryor Creek.

Q You saw him in the spring of '66 at Pryor Creek? A Yes, sir.

Q Was he a slave before the war as you know? A No, sir, I don't know anything about that, I always took him for an Indian.

Q And you saw him you think at Pryor Creek in the spring of '66?

A Yes, sir.

Q When did you come back? A I came back in the spring of '66.

Benjamin Beck - 5.

Q Did you come to Pryor Creek? A Yes, sir, there is where I was living when I came.

Q And you saw Ben there? A Why after that he came.

Q The same year? A Yes, sir, the same year.

Q Where has he been living since that time, do you know? A This man, he used to live up here on Big Creek there somewhere.

Q Do you know his family? A Yes, I have seen them, I am not acquainted with them much.

Q You know how many children he has got? A I think he has got three, but I just seen the little children, I never did stop at his house.

Q You know his wife, Bettie? A Yes, I have seen her.

Q Do you know whether she is a citizen or not? A No, sir, I can't tell you.

Q Do you know where he married her? A No, sir, I can't tell you that.

Q Do you know where these children of his were born? A No, sir, I don't know that.

Q But you are positive you saw him in '66 at Pryor Creek? A Yes, sir.

Q And you don't know who he belonged to? A No, I don't.

Q You don't know whether he was a slave or not? A No, sir.

Mr. Hastings: On whose place did he live when you saw him? A When I saw him up there, I never asked him that, he was just traveling.

Q Do you know one year from another? A Yes, I know one year from another.

Q Do you know that that was '66? A Yes, I know it was '66, they told me it was it, I hadn't been here a great while when he came.

Q Did he come by himself? A No, there was another man with him.

Q What was his name? A I can't tell you, I never asked him.

Q How long did Ben stay on Pryor Creek? A Didn't stay there any time, went on to Gibson.

Q You saw him every year since then? A Yes, sir, seen him all the time and been seen him all the time.

Q You are positive about that? A Oh yes sir, I have been seeing him all along.

Q Every year? A Yes, sir.

Q Where has he been living? A He was living up there, and then he moved from there and went to Vinita.

Q Did you ever see him on the Wilson Towers place? A Yes, sir.

Q When did you see him there? A Well, that is mostly the same time, I can't tell you.

Q About the same time that you saw him? A Yes.

Q Working a farm up there was he? A Yes, I guess he was, I can't tell you, I was living there, when I lived up there on Big Creek he was there.

Q That was in '66? A Yes, sir.

Q Wilson Towers had a place there did he? A I can't tell you whose farm it was, I can't swear that, he was there.

Q Ben, what year was that is this? A No I can't tell you about the dates of the months, I told you I didn't know about that.

Q This was any kin to you? A No, sir, no kin at all.

Q How much has he given you to witness for him? A He hasn't paid me anything.

Q How much has he agreed to pay you? A Never talked about that, all I know, I knowed him at such a time, and been seeing him.

Q How do you know it was that year when you didn't know another date in the world? A He was here and I been seeing him all the time.

Q You have seen him from year to year since then? A Yes, sir, not every year, but I seen him along.

Q Do you know whether he was living here or not? A I can't tell you that.

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Q You have had a little trouble with the courts yourself?

A I can't tell you that.

Q Didn't you have a little trouble in Fablequah district over some turkeys or potatoes? A Not as I know of.

Q Didn't they convict you of stealing down there? A No, sir.

Q Didn't they whip you down there for stealing? A No, I don't know nothing about it.

Q Did you take them? A I can't tell you that, I am not wise guessing for what was done, especially what was done in power.

Q I will ask you whether or not you were not convicted in that court, or not? A I can't tell you.

Q Were not you whipped down there? A I am not saying that.

Q Were you or were you not? (No response)

Commissioner: You refuse to answer? A No, I will not answer.

Mr. Hastings: You lived in Fablequah district a while? A Yes, sir, I lived there a while.

Q You got in some trouble about some turkeys or potatoes? A I don't remember anything about that.

Q You remember '66 better than you do then? A Yes, sir, I was interested, that is the reason, I don't know the dates of the month.

Q What year did the Fallace Court sit? A I can't tell you that.

Q What year did the Kern-clifton Court sit? A Didn't I tell you I don't know anything about the dates of the month.

Q When did you draw this last spring money? A I haven't drawn any, I was left out the time of the payment.

Q Do you know the year the payment was made? A No, sir, I don't know that.

Q That time you claim you saw this man on Pryor Creek was the first time you ever saw him? A Yes, sir, the first time.

Q He was a stranger to you then? A Yes, sir, I never did see him before.

Q This other man along with him was a stranger, was he? A Yes, sir.

Q Why is it you remember Ben Beck and you don't remember the other fellow? A The reason I know him, when I came up here that was his name, I didn't know his name when I saw him there.

Q You don't know at that time who it was? A Yes, I know who it was.

Q How many years afterwards till you saw him on Big Creek? Was he living with his wife the next time you saw him? A Yes, he was living with his wife.

Q And how long after that was it till you saw him living with his wife? A They been living together all the time.

Q How long after you saw him on Pryor Creek that you next saw him up here living with his wife? How many years? A I can't tell you.

Q Was it two or three years? A I can't tell you that either.

Q Was it as much as ten years? A I can't tell you, I don't know what it is at all.

Q Was it as much as twenty years? A No, I can't tell you.

Q You don't have any idea about how many years it was, do you?

A No, I don't, if I say I might be mistaken.

Q Was it as much as 25 years after that? A No, sir, I can't tell you that either.

Q Well, then you decline to state whether you have seen him for a length of twenty-five years either right in there? A Well, if he's been a long time I have been seeing him; I never counts the years at all, and I don't know anything about even the dates of the month.

Q Your memory has got so bad you have forgotten about being whipped down in Fablequah district? A Yes, sir, forgotten that too.

Commissioner: Do you know Wilson Fowler? A Yes, sir.

Q He went out during the war, didn't he? A Yes, sir, I can't tell you that, they were all living there.

Q You don't know whether he came back before you did or not?

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A I came back before any of them.

Q You were one of the first fellows in, were you? A Yes, sir, that is the reason I know I was in time, there wasn't anybody living around when I came.

Q Was Wilson Towars came back after you did? A Well, he must have, I don't know anything about that; I didn't know as you would tackle me about what had passed away nearly forty years, and it wasn't fit.

Rachel Tanner, being duly sworn and examined by Commissioner Needles, testified, through S. R. Walkingstick, a regularly sworn interpreter, as follows:

Q What is your name? A Rachel Tanner.

Q How old are you? A About 73.

Q What is your post office? A Vinita.

Q Are you a full blood Cherokee? A Yes, sir.

Q Do you know Ben Beck? A Yes, sir.

Q How long have you known him? A I have known him from a small boy.

Q Was he a slave? A Yes, sir.

Q Who did he belong to? A Eliza Daniels, a sister of mine, she was his owner.

Q Do you know whether Ben Beck went out of the Cherokee Nation during the war between the north and south? A Yes, sir, he went out for a while.

Q Do you know where he went to? A I think he must have went to Fort Scott, Kansas, somewhere up there.

Q Where did you see Ben Beck the first time after the war? A I met him on this side of Grand River, we just met up in the road, and he told me he was going to his mother's.

Q What year was that, do you recollect? A I can't say as to the year, it was in the summer time.

Q Do you know about when that was with reference to when the war closed, or when the treaty was made, know anything about when the treaty was made? A This was just directly after the close of the war, a short time.

Q You can't name what year it was, was it '65 or '6 or '7 or '8?

A No, sir, I can't say as to the year, but I remember it was in the summer time.

Q And very soon after the war closed? A Yes, sir, it was right away afterwards.

Q Have you known him much since that time? A Yes, sir, I have known him all the time.

Q Lived in the Cherokee Nation has he, most of the time? A Yes, sir.

Q Do you know his children, his wife? A Yes, sir, I know them, there are only three.

Mr. Hastings: Where do you live now? A Why I am just living around with my grandchildren up here on Big Cabin.

Q Is Ben any kin to you? A No, sir.

Q Where were you living when you saw Ben? A I had come from Delaware District.

Q Who were you living with in Delaware? A I was living with a man named Sequayah, but after he died I moved away from there.

Q Was Sequayah in the army? A Yes, sir.

Q And he had come back from the army, had he? A Yes, sir.

Q How many years did Sequayah live after the close of the war?

A He only lived a year and a half after the close of the war, we didn't live together quite two years.

Q And that was after he had come back from the war? A Yes, sir.

Q This was then after Sequayah had died when you saw Ben?

A Yes, sir.

Q Where did Sequayah die? A He died in Delaware.

Q And after that you moved out here? A I moved over to little

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Gabin then.

Q How long had you been over to Little Cabin? A I can't state as to the length of time I have been there.

Q When you saw Ben? A I hadn't moved there yet, I was going to my sisters.

Q What is your sister's name? A Susie Landrum.

Q Where was Susie Landrum living then? A She lived in Little Cabin.

Q That was after your husband died, was it? A Yes, sir, he had been dead some time.

Commissioner: Your husband was in the army was he? A Yes, sir.

Q And after he had been back about two years you saw Ben, is that it? A Yes, sir.

Q That the first time you saw him? A Yes, sir, that was the first time.

Benjamin Beck, recalled, testified:

Commissioner: How long had you been back when you saw this old lady? A I had been back I guess about two years before I went over there, I went over and met Arch Landrum, and we stayed all night with Cherokee on Grand River, and she was coming out here to her sister.

Q This man Wilson Towers is living? A Yes, sir.

Q And you came to his place? A Yes, sir.

Q He was there when you came? A Oh yes.

Q Had you come to his place before Grimsitt saw you? A Yes, sir, that was when I was single, I wasn't married then.

Q Did you go to Towers' place? A Yes, sir.

Q And after you came to Towers' place you went over to Pryor Creek and saw Grimsitt? A Yes, sir, on Big Creek.

Q About who was the first man you knew when you came back, Towers? A No, sir, it was Moss Whitmire and his family, it wasn't this man here, it was that they call the little man, that lived up here on the head of Big Creek now, his wife was said to be a cousin of mine.

Q The first people you saw in the Nation when you came back was little Moss Whitmire? A Yes, sir.

Q Where is he? A He is dead, his wife is living.

Q Is she here? A No, sir, she isn't here, I visited them and Jack Landrum.

Q You are married to Bettie, you say? A Yes, sir, I don't know whether she can be adopted or not.

Q Where were you married to her? A In Kansas, I brought her in here.

Q You have been living with her continuously? A Yes, sir.

Q She is living now? A Yes, sir.

Q Have you got any certificate of your marriage? A No, sir, I haven't got anything.

Q You got out a license in Kansas? A No, sir, I lost it.

Q You got out a license, did you? A No, sir, I was married by a preacher.

Q Could you ever get married in Kansas without getting a license?

A Yes, sir, I just got married by a preacher.

Q Any witnesses have you married? A Yes, sir.

Belle Kirkpatrick, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Belle Kirkpatrick.

Q How old are you? A About 30.

Q Do you know Ben Beck, the applicant? A Yes, sir.

Q Know his wife? A Yes, sir.

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Q Know whether they were ever married or not? A Yes, sir, they were married.

Q How do you know it? A I was there and saw them.

Q Where? A In Kansas.

Q Who were they married by? A Well I don't know the minister, I guess Ben knows him.

Q Have you known them ever since? A Yes, sir.

Q They been living together continuously as man and wife since that time? A Yes, sir.

Q Living together now? A Yes, sir.

Q Have they got any children? A Yes, sir.

Q How many? A Three.

Q Born since they were married? A Yes, sir.

Q How long had you known Ben before he married? A Been knowing him ever since he was a boy.

Q How long had you known him before he was married up there?

A I don't know, I knowed him all my life.

Q How long had you known him wife? A Well, I haven't been acquainted with her as long as I had with him, I knew her before she was married.

Q Where was he married? A Married in Kansas.

Q Where? A Emporia, Kansas.

Q Were you living in Emporia then? A I was in Neosho Falls, Kansas.

Q How far is that from Emporia? A I don't know.

Q Did you know Ben over to Neosho Falls? A No, sir, I knowed him before he left the Nation when he was back there, he used to belong to the Becks.

Q Where did you know him up in Kansas then? A I saw him, ran on him in Emporia, Kansas.

Q How long before he was married? A I don't remember, a year or so I guess.

Q Was that the first time you ever saw him in Kansas? A Yes, sir.

Q Well, did he live up there in Kansas after he married? A Yes, sir.

Q How long did he live there or do you know that? A A year I guess, about a year.

Q Did he have any children up there? A He had Pearl I think.

Q What is his second child's name? A Josephine.

Q Was Josephine born up there? A I don't think she was; they had just one child I think.

Q You don't know about that then? A No sir, I don't know about Josephine.

Q When did you come down here? A I been down here right away after the war ceased, I don't know what year it was.

Q Are you an applicant to be enrolled as a Cherokee Freedman?

A Yes, sir.

Q Have you already applied? A No, sir.

Commissioner: Did you come back before Ben or afterwards? A Before I guess, back afterwards.

Q You come back after Ben? A Yes, sir.

Q You say you knew Ben when he was a child before the war?

A Yes, sir.

Q Who did he belong to? A Belonged to Jos Beck.


Commissioner: Benjamin Beck applying for the enrollment of himself as a Cherokee Freedman, and his three children, Pearl, Josephine, and John. He also applies for his wife, Bettie, as a Cherokee Freedman by intermarriage. He cannot be identified upon the authenticated roll of 1866 or the census roll of 1886. He is duly identified upon the Korn-Gliff

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ten roll, as well as his three children. He makes satisfactory proof as to his marriage. He avers that he was a slave of one Beck, who was a Cherokee Indian, and that he married Bettie Carter twenty-two or three years ago in the State of Kansas, and that his two oldest children, Pearl and Josephine, were born in the State of Kansas, and that the latter, two years after the birth of Josephine, who is 18 years old, removed to the Cherokee Nation and has been living here continuously. Benjamin Beck and his three children will now be listed for enrollment as Cherokee Freedmen upon a doubtful card. His wife Bettie will be listed for enrollment upon a doubtful card as an intermarried citizen. The applicant will be duly notified by mail at his post office address of the decision of the Commission in his case.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones
Sworn to and subscribed before me this 19th of June, 1901.



Commissioner.

To be filed with E. D. 665--Benjamin Beck.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHICKASAW, I. T., JUNE 10TH, 1901.

In the matter of the application of Jim Landrum for the enrollment of himself, wife and five children as Cherokee Freedmen; said Landrum being sworn and examined by Commissioner C. R. Breakinridge, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith, for Applicants.
Mr. J. S. Davenport, for Cherokee Nation.

- Q Give me your full name. A Jim Landrum.
Q How old are you? A I am between 53 and 54.
Q What is your post office? A Vinita.
Q In what district do you live? A Coowaseeowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A Yes, sir.
Q How many children have you? A I have ten children but some of them will have to apply for themselves.
Q How many have you got that are under 21 years of age? A Five.
Q Are these five all unmarried? A Yes, sir.
Q And are they all living now? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q Do you want to apply for her? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Pretty near all my life.
Q What part of your life were you not in the Cherokee Nation?
A At the time of the war.
Q You lived in the Cherokee Nation then all your life except during the war? A Pretty much.
Q Been out some? A Yes, sir, I was in the army three years.
Q Since the Civil war closed? A Yes, sir, in the late war.
Q Have you been in this Spanish war? A No, sir.
Q What do you call the late war? A At the time,
Q The North and South fought? A Yes, sir.
Q Have you been in the Cherokee Nation all your life except at the time you were out when the North and South fought?
A I stopped in Kansas when I was mustered, in the army.
Q Were you a slave in the Cherokee when the war broke out?
A Yes, sir.
Q To whom did you belong? A Belonged to a man by the name of Aaron Landrum.
Q Was he a well known citizens of the Cherokee Nation? A Yes, sir.
Q Where did he live? A He died on Cabin Creek south of Vinita.
Q Did he live there before the war? A Yes, sir.
Q Give me the name of your father? A George Landrum.
Q Is he dead? A Yes, sir.
Q Was he a Cherokee Freedman? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q In the Nation? A Yes, sir.
Q Give me the name of your mother A Peggie Landrum.
Q Is she dead? A Yes, sir.
Q How long has your father been dead? A He has been dead about 18 years.
Q How long has your mother been dead? A Been dead about 35 years.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Give me the name of your wife? A Margaret Landrum.
Q Does she claim to be a Cherokee Freedman of her own right?
A Yes, sir.
Q How old is she? A She is 31.
Q When were you and she married? A It was about the time

winter at the closing of the war.

- Q Where were you married? A Married in Kansas.
 Q To whom did she belong when the war broke out? A She belonged to a woman by the name of Eliza Wright.
 Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
 Q Where did she live? A She was a daughter of Judge Martin she lived down here on Grand river at the Green Briar place.
 Q Were you ever married before you married this woman? A No, sir.
 Q Was she ever married before she married you? A No, sir.
 Q Give me the names of these five children? A Jessie Landrum.
 Q How old is that child? A Twenty.
 Q The next child? A John Landrum.
 Q How old is he? A 15.
 Q The next child? A Jim Landrum.
 Q Jim, Jr., isn't it, you the old man? A Yes, sir.
 Q How old is your boy Jim? A 13.
 Q The next child? A Barbara.
 Q How old is Barbara? A Ten.
 Q The next child? A Nelson.
 Q How old is Nelson? A Eight, will be in July.
 Q Are you on the 1880 roll? A I ought to be.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his wife not found thereon.

The 1894 Census roll of Freedmen of the Cherokee Nation examined and names of applicant's not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
 Page 153, #3788, James Landrum, Cooweescoowee District.
 Page 153, #3798, Margaret Landrum, Cooweescoowee District.
 Page 153, #3789, Jessie Landrum, Cooweescoowee District.
 Page 153, #3791, John Landrum, Cooweescoowee District.
 Page 153, #3792, James Landrum, Cooweescoowee District.
 Page 153, #3794, Nelson Landrum, Cooweescoowee District.

- Q How comes you didn't get money for Barbara? A I did get money for her.

Page 153, #3793, Emma Landrum, Cooweescoowee District.

- Q Did you ever call that child Emma? A Sometimes.
 Q Well is Emma really a part of her name? A Her right name is Barbara, we call her Emma sometimes for a nickname.
 Q Now, how comes it that neither you nor your wife are on the roll of 1880? A I don't know, sir.
 Q You applied didn't you? A Yes, sir.
 Q And what did they say to you; what did they do to you?
 A Well, when they made that '80 roll my father told me to work on the place and he would put all of us children on.
 Q Is your father himself on there? A Yes, sir, I think he is.

The 1880 Authenticated Roll of Cherokee Freedmen examined and name of applicant's father found thereon, page 648, #663, George Landrum, Saline District.

- Q Caroline, who is that? A That's my stepmother.
 Q Who is Daniel? A My brother.
 Q Your full brother? A Yes, sir.
 Q Who is Daniel? A That is my brother.
 Q Full brother? A Yes, sir.
 Q Sherman, is he your brother? A Yes, sir.
 Q Full brother? A Half brother.
 Q Now, you were in the army during the war? A Yes, sir.

Q Where were you disbanded, where were you mustered out?
A Fort Leavenworth, Kansas.
Q How long did you stay up there after you were mustered out?
A We was mustered out, it was in '86, and then I came home and
looked my people up and found them and then during that Christmas
after I was discharged I come on down to the Nation, I didn't stay
in Kansas very long.
Q You got married in Kansas? A No, sir, I didn't marry when I
came down here.
Q You married in Kansas? A Yes, sir, I went back and married then.
Q What year was it you married in? A It was.
Q How long after you were mustered out? A The next spring.
Q You were married in 1866; married the next spring? A Yes, sir.
Q You didn't mean '86 you mean '66? A Yes, somewhere along there
I can't remember good.
Q You say you were a slave in '86? A Yes, sir.
Q Let us understand now just what you mean; you were mustered out
in '66 at Leavenworth were you?
A I don't know whether it was '66; I was mustered out the same time
Allen Lynch was mustered out.
Q When were you mustered out? A First Kansas Colored.
Q What company were you in? A I was in Company H.
Q Well you were mustered out; what time of the year were you must-
ered out? A Along, it was getting late in the fall.
Q Well, how long after you were mustered out was it before you came
South? A That same winter.
Q You came down you say to look up your people? A No, my people
lived in Kansas, I come down here to locate a place.
Q Had you heard of the treaty when you came down? A Yes, that
was the talk of the crowd I came with, all come together.
Q You heard of the treaty having been passed? A Yes, sir.
Q What time was it in the winter you came down?
A Just a little before Christmas.
Q A little before Christmas? A Yes, sir.
Q Where did you go? A Come down here in the Nation.
Q Well did you pick out a place? A We stopped at the place after
I got down here.
Q Well you hadn't married at that time? A No, sir.
Q Well, when did you go back to Kansas? A That spring.
Q And when did you marry? A That spring after I went home.
Q Married pretty soon after you got back there? A Yes, sir.
Q You say when you went home; you mean when you went to Kansas?
A Yes, sir.
Q How long did you stay in Kansas after you married?
A I didn't stay any time for I went back to Kansas and married and
left my wife up there and came back again.
Q Well, what did you do, make a place? A Why I lived on a man's
place, not mine.
Q Well how long did you keep that up before you went back and got
your wife? A Quite a while.
Q Well, two or three years, four years? A No, it would not be
that long.
Q Well how long? A About a year.
Q And then you went back to Kansas and got your wife? A Yes, sir.
Q And then you brought her down to the Nation? A Yes, sir.
Q Had you any children at the time you brought your wife down to
the Nation? A No, sir.
Q You have some children that are old enough to apply for them-
selves? A Yes, sir.
Q Were any of them born in Kansas? A No, sir.
Q Were all of them born in the Cherokee Nation? A Yes, sir.

- Q Well, when you brought your wife down that time did she continue to make her home here with you? A Yes, sir.
Q Has she made her home here ever since? A Yes, sir.
Q Well, when you came down from Kansas who came with you the first time you came? A Arch Landrum.
Q Did any of your family come with you? A No, sir, I wasn't married then.
Q I am talking about your father and mother? A I came before my father did.
Q Well, how about your brothers? A I came before any of them did.

BY MR. DAVENPORT:

- Q You had children born when the 1880 roll was made didn't you, Jim? A I ain't got learning, I don't know when the '80 roll was made.
Q It didn't take learning to know whether you have got a child 20 years old or not now? A I don't know.
Q Have you or not got children that are more than 20 years of age? A Yes, sir.
Q Where were you living when the 1880 roll was made? A Living here on Grand river.
Q What place on Grand river? A Below Tan Yard.
Q At what place? A I had no post office then.
Q Had no post office on Grand river in 1880? A Had no post office when I came.
Q I ain't asking you about when you came, I am asking you about 1880? A All the post office I know of then it was up about Tiblow's.
Q That was in 1880? A I ain't don't know when it was.
Q Where was it you were living in 1880? A Down about Tan Yard.
Q Where did you live then? A Well I lived there with him, helped make that place.
Q You and your family lived there with your father in 1880, A Yes, sir, part of the time.
Q Did you and your family live there with him in 1880? A Not much.
Q Did you live there partly with him? A With him all the time.
Q Well, how long did you live with him? A I don't know.
Q How long did you live in Kansas after you were married? A I didn't live there any time.
Q How long do you think your family stayed there? A I went and got my family, my wife.
Q Did you bring her home as quickly as you married? A Yes, sir.
Q Where was she living at the time you married? A At Tanway.
Q And you left immediately for the Territory? A Yes, sir.
Q Have you lived in Kansas since then? A Some.
Q About how long have you lived in Kansas? A Oh, I don't know, just little bit, lived in Kansas and worked.
Q What place or places have you lived since you married in the State of Kansas? A I haven't lived hardly any in Kansas, I have lived most of the time on Grand river.
Q You say you have lived some in Kansas since; I want to know what places you have lived? A When I went back my folks lived there near Neeshe, Kansas, my father did.
Q You have got people living at Neeshe Falls now? A No, sir.
Q You are not kin to Ball Landrum? A No, sir.
Q Do you know what her husband is named? A Yes, sir.
Q What his name? A July Landrum.
Q He is no relation of yours? A No, sir.
Q Neeshe Falls is where he lives isn't it? A I don't know where he lives.
Q Well, have you lived any other place other than the Cherokee Nation and State of Kansas since you were married? A Yes, sir.

Q Where have you lived? A Down here on Grand river.
 Q I said other than the Cherokee Nation? A Yes, sir, lived up at Brown's Ferry?
 Q Have you lived in any other place out of the Cherokee Nation?
 A I lived at Gibson.
 Q Gibson isn't in Arkansas? A No, sir.
 Q Did you apply to the Bob Daniels Court to be admitted, to have your rights established? A Not that I can remember.
 Q Did you apply to the Dawes Commission in 1896? A Can't remember.
 Q You would remember it wouldn't you if you had of done so?
 A I don't know whether I would or not.
 Q You remember the happenings of things very well don't you?
 A Sometimes and sometimes don't.
 Q What county in Kansas were you married; you said you were married at Tunway? (No response.)
 Q What county was it Jim? A I don't know; it is in Coffee County or Line County.
 Q What was the county seat? A Burlington.
 Q You came back to the Cherokee Nation in what year did you say?
 A The winter I was mustered out.
 Q What winter were you mustered out? A That is what I can't recollect.
 Q You don't know when it was you were mustered out and don't know when it was you came back to the Cherokee Nation?
 A No, sir, it was in the winter I was mustered out.

JOHN LANDRUM, being sworn and examined by Commissioner C. B. Breckinridge, testified as follows:

BY MR. SMITH, of Counsel for Applicants:

Q State your name. A John Landrum.
 Q How old are you? A 59.
 Q Where do you live? A On Lightning Creek.
 Q What is your post office? A Hayden.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Do you know this applicant, Jim Landrum? A Yes, sir.
 Q How long have you known him? A I have known him ever since he was a child, baby.
 Q When did you first see him in the Cherokee nation after the war?
 A I saw him in '66, on Grand river to his father's.
 Q Who was with him? A Just himself.
 Q He one? A His father he was along there with his father.
 Q Who did you say Jim was with when you saw him? A He was by himself, just himself.
 Q At what point was that? A On the river, Grand river.
 Q Well what part of Grand river? A The Island Ford as they call it; Tan Yard Ford, above Island Ford.
 Q Did you know him before the war? A Yes, sir.
 Q Was he a slave? A Yes, sir.
 Q Whom did he belong to? A Master Landrum.
 Q She was a Cherokee woman? A Yes, sir.
 Q Where did she live? A She lived on Cabin Creek.
 Q Where is Cabin Creek? A South of Vinita.
 Q Where was Jim Landrum when the war commenced? A When the war commenced he was here in the Territory, in the Cherokee Nation up there at home.
 Q Do you know where he was during the war of your own knowledge?
 A During the war, he was a soldier during the war.
 Q And you first saw him back here in the Cherokee Nation at what time? A It was here in '66, on the Grand river there at his daddy's

BY MR. DAVENPORT:

- Q What makes you remember it was in '66? A Because I knew it.
Q Well what year was the Wallace roll made? A I could not tell you.
Q You were here then? A Yes, sir.
Q You attended it and was enrolled? A Yes, sir.
Q What year was the Kern-Clifton roll made? A I don't know.
Q You were here? A Yes, sir.
Q Yet don't know? A I ain't got no education.
Q How do you know '66? A I knew it.
Q How do you know it? A Everybody knows it.
Q Some don't know it? A I don't know.
Q What time of the year was it? A It was in the winter.
Q Before or after the treaty was made? A What treaty do you mean, treaty of '66?
Q Yes. A At the time the treaty was made.
Q You saw him in the winter of '66? A Yes, sir.
Q And at the time the treaty was made? A Yes, sir.
Q His father was with him was he? A Yes, sir.
Q Did his father come back at the same time he did?
A Yes, sir, of course he did.
Q Then if he says he come before his father did he is mistaken isn't he? A He came before that time expired and remained; he stayed with Arch Landrum and Lewis Rowe.
Q And his father didn't come with him at that time? A No, sir.
Q Well do you know where he married? A Yes, sir.
Q Where was he married? A It was up in Kansas.
Q What place do you know? A Place they called Leroy, just the other side of Leroy; I forget the name of the place but I knew just exactly, about ten miles the other side of Leroy.
Q About how long did he live up there after he got married?
A I don't know, he never stayed up there a great while.
Q Has he been living near you ever since he came back?
A No, sir, not near me.
Q About how far from you? A About 20 miles.
Q How often have you seen him? A Sometimes about a month or two.
Q What year was it he married? A I could not tell you; that was away after peace was declared.
Q '66 was just after peace was declared? A Yes, sir.
Q You remember that year? A He married the year he mustered out.

BY MR. SMITH:

- Q Why do you remember '66? A How do you remember anything else?
Q Was there anything particular about '66 or anything else?
A They said the limit was made for us to come back to our homes.
Q How did you get that information? A I got it from the people that knew.
Q The people that knew about it? A Yes, sir.

BY MR. DAVENPORT:

- Q Wasn't the Wallace rolls and Kern-Clifton roll was for a specific purpose as well as the 1866 treaty? A Yes, sir, I guess so.
Q You can remember them? A No, sir.

BY MR. SMITH:

- Q Where were you when you first heard of this time that the negroes had to get back to the Cherokee Nation? A I was in Kansas.
Q You talked about it? A The people was talking about it.
Q Was anybody sent there to bring the news? A No, sir, they got it by hearsay.
Q Hearing the people talking about it? A Yes, sir.

HARRY STILL, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name. A Harry Still.
 Q How old are you? A 54.
 Q What is your post office? A Hayden.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q You were out during the war weren't you? A Yes, sir.
 Q Are you on the roll of 1880? A No, sir, not on the roll of 1880, on a straight card, sir.
 Q Do you mean put on one by this Commission? A Yes, sir, at Vinita.

BY MR. SMITH:

Q Do you know this applicant, James Landrum? A Yes, sir.
 Q How long have you known him? A About, pretty near 36 years.
 Q Did you know him before the war? A No, sir, I didn't know him before the war.
 Q You don't know then who he belonged to? A No, sir.
 Q When did you first see him in the Cherokee Nation after the war? A It was up pretty near about the first of February when I saw Jim, February what year? A '66 on Grand river.
 Q When did you first get back? A I got back in '65 the first trip I made.
 Q About what time in '65? A About the last of '65.
 Q Now, about what time you think you saw Jim? A About last part of '66.
 Q What did you mean by saying it was in February? A It was in the last part of '66.
 Q Well was it in '66? A Yes, sir.
 Q How long was it from Christmas? A Why it was about the last part of Christmas; just after Christmas; when I saw him at his father's.
 Q Well, I don't understand you, what did you mean by saying it was February, '66, that is the first part of '66? A Yes, sir, that is the first part; I mean January, the last part of January, '66, it was after Christmas when I saw Jim of '66.
 Q After Christmas? A Yes, sir, I mean about Christmas. It might have been the second week in Christmas.
 Q Where did you see him first? A At his father's on Grand river.
 Q Had you seen him before that? A Yes, sir.
 Q Where did you see him? A Saw him in the First Colored Regiment.
 Q Where has Jim Landrum been living since the time you saw him at his father's on Grand river? A Sometimes on Lightning Creek, sometimes at his father's and sometimes on Grand river.
 Q Well, now, let's see; I don't understand what you mean by the time you first saw him; I don't understand that; do you know the month it was? A No, I don't. It was about the last part of '66 when I saw Jim.
 Q Well, about how far from Christmas, do you remember to state whether it was before Christmas or after Christmas?
 A It was about that time, I remember I went over there and I saw Jim there and it was about the last part of '66.

BY MR. DAVENPORT:

Q You saw him sometime after Christmas, '66? A Sometime.
 Q You don't remember about how long after Christmas it was?
 A No, sir, it was about the last part of '66.
 Q You thought when you first stated that it was in February, '66?
 A I am not positive.
 Q Was it about February after the Christmas of '66 or not?
 A I am not positive.
 Q You know any way it was after Christmas? A It was about the last part of '66.

BY MR. SMITH:

- Q When did you come back to the Cherokee Nation? A I came back in '65 and I got back in the spring of '66, in the fall of '66.
- Q The third trip you made? A In the fall, along there, in October.
- Q About how long was it after you came back the third time until you saw Jim Landrum? A Sometime in December.
- Q About how many months? A I don't know exactly but it was the last part of '66 when I saw him.

COM'R BRECKINRIDGE: The applicant applies for the enrollment of himself, his wife and five children. It appears that the applicant was a slave of a Cherokee citizen and in the Cherokee Nation at the beginning of the Civil War. He is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896. In regard to his return to the Cherokee Nation after the Civil war, the testimony is conflicting. He states that he was a member of the First Kansas Colored Regiment, Company H; 79th U. S.; he defines it as the First Kansas, 79th U. S. Infantry, that he was mustered out with them at Leavenworth. It will be necessary to communicate with the war department to find out when and where that regiment was mustered out and if the applicant's name appears upon the Muster Roll to compare that date with the date now given. There seems to be no question that the applicant has lived in the Cherokee Nation consistently from the time he returned until to-day. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision of the Commission will be made known to him at his post office address. It should be noted that his father and one or two of his brothers are on the roll of 1880, his mother died about the time of the close of the war and of course his father and brothers may have qualified under the treaty of 1866, without the applicant's having done so. He is now 83 years of age, or thinks he is of that age. As for his wife, Margaret, who is said to be now 51 years of age, it appears that she was in Kansas at the time of the applicant first came to the Cherokee Nation and he returned to Kansas sometime after his first visit and there married her, and then brought her to the Nation. It seems that she was a slave of a citizen and in the Cherokee Nation at the time of the breaking out of the civil war and that her first return to the Cherokee Nation after the war was shortly after her marriage to the applicant. She is identified with him on the Kern-Clifton roll and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, but as to her final qualification under the treaty of 1866, the evidence given in regard to her return will have to be carefully compared to that of the applicant himself, as he brought her back a year or more later than his first return. It seems that the applicant nor his wife was never previously married, and that they have lived together ever since their marriage, therefore their marriage seems to be lawful. In view of this fact there appears to be no bar to the enrollment of the five children applied for, provided the status of the applicant himself is satisfactorily established. These five children are identified on the Kern-Clifton roll but not upon the roll of 1896. They are living and they will now be listed for enrollment as Cherokee Freedmen on a doubtful card.

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J. O. Kessen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Kessen

Subscribed and sworn to before me this 22d day of June, 1901.

(Signed) T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June, 11th 1901.

In the matter of the application of Selia Kirkpatrick for the enrollment of herself and one child as Cherokee freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Selia Kirkpatrick.
Q How old are you? A About 50.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
Q Do you want to enroll anyone besides yourself? A Myself and one child.
Q How old is the child? A She is 11 years old.
Q How long have you lived in the Cherokee Nation? A Off and on all the time.
Q Were you born in the Cherokee Nation? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war broke out? A Yes sir.
Q Did you belong to a Cherokee master when the war broke out? A Yes sir.
Q Give me the name of your master? A Ben Landrum.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Have you been out since the war? A Been out and in since the war.
Q Have you lived part of the time in and part of the time out since the war? A I have been out and worked since the war some.
Q Give me the name of your father? A George Landrum.
Q Is your father dead? A Yes sir.
Q How long has he been dead? A I cant say for certain, been dead quite a while.
Q As much as 10 or 12 years? A 13 or 14 years as near as I can get at it.
Q Give me your mother's name? A Cassie Landrum.
Q Is she dead? A Yes sir.
Q How long has she been dead? A I think about 12 years.
Q Was your father a Cherokee freedman? A Yes sir.
Q Was your mother a Cherokee freedman? A Yes sir.
Q Where did your master Ben Landrum live? A On Spavinaw creek.
Q In what district? A Delaware I think.
Q How many times have you been married? A Twice.
Q Give me the name of your first husband? A Tom Daniels.
Q Is he living or dead? A Dead.
Q How long? A 10 years.
Q Was he a Cherokee freedman? A Yes sir.
Q When were you and he married? A Before the war.
Q Back in the days of slavery? A Yes sir.
Q Give me the name of your second husband? A Jerry Kirkpatrick.
Q Is he living now? A No sir.
Q Was he a Cherokee freedman? A No sir.
Q When did you marry him? A 5 years ago.

- Q Have you a certificate of your marriage? A No sir.
Q Give me the name of your child? A Ethel Daniels.
Q Is she living now? Yes sir.

Applicant not on the 1880 or 1896 roll.

Kern Clifton roll examined and applicants found as follows:
page 153, No. 3796 Selia Daniels, Coconino district.
page 153, No. 3796 Ethel Daniels, Coconino district.

- Q How comes it that you are not on the roll of 1880? A I dont know, I left it to my father and he said he would attend to it.
Q Where did you go during the war? A Neesho Falls, Kansas.
Q With who? A Lots of us.
Q Did you come with your husband? A Yes sir he come too.
Q Did you stay there until after the war? A Yes sir.
Q When did you come back? A In the spring I guess.
Q Of what year? A When my father and Simon Lynch came, I dont know the dates.
Q Did your husband come back with you? A No sir.
Q When did he come? A He sent me on with his father and my father and he staid and worked a while and he came down the next spring after I did.
Q Did you have any children at that time? A No sir.
The authenticated roll of 1880 examined and the name of the applicant's father identified on the same as follows:
Page 643, No. 663, George Landrum, Saline district.

The 1880 roll examined for a name which the applicant mentioned and same is found as follows:
Page 645, No. 653, Simon Lynch, Saline district.

- Q How long after you got back before your husband came? A In the spring.
Q How long after you got here before he came? A I guess it was a year.
Q You came one spring and he came the next spring? A Yes sir.
Q Where is Simon Lynch? A I guess he is at home.
Q How far does he live from here? A I dont know.
Q Is there anyone here who knows of your having been married? Yes sir.

JAMES LANDRUM, called and sworn as a witness for the applicant, testified as follows:

(By Com'r Breckinridge)

- Q What is your name? A James Landrum.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life off and on.
Q Were you out during the war? A Yes sir.
Q Were you a slave in the Cherokee Nation during the war? A Yes sir.
Q Do you know this applicant here? A Yes sir.
Q What kin is she to you? A My sister.
Q Are you a son of George and Cassie Landrum? A I am a son of George and Peggy.
Q You and this applicant are not full brother and sister then? A No sir, half brother to her, my mother was Peggy and her mother was Cassie.
Q Was your father married to Peggy before he married Cassie? A Yes sir.
Q When did he marry Cassie, was it in slavery days? A Yes sir.
Q Was Peggy dead then? A No sir he had two wives.
Q Were both of his wives slaves? A Yes sir.

- Q Did he pretend to live with both of them at the same time? A Yes sir.
- Q Was that sort of thing permitted in that day? A Yes sir that was the go in them days, nigger babies is what was wanted.
- Q Do you remember when George Landrum came back to the Cherokee Nation.
- Q Was you with him? A No sir I come first before he did.
- Q Were you here at the time he come? A Yes sir.
- Q You went back to Kansas for your family didn't you? A Yes sir.
- Q Were you here when your father come, or were you back for your family? A He come when I went back to Kansas.
- Q You didn't see him when he got here? A No sir, I saw him when he started from there.
- Q Was your sister with him? A Yes sur.
- Q When you got back did you see him? A Yes sir.
- Q Was this sister with him? A Yes sir.
- Q How long after you saw them in Kansas did you see them here?
- A It was before I got back here.
- Q You saw them leave Kansas? A Yes sir.
- Q How long after that did you next see them in the Cherokee Nation?
- A In the next fall following.
- Q What time of the year did you see them leave Kansas? A It was in '65 I think it was.
- Q What time of the year? A In March.
- Q Of '65 and '66? A March of '65.
- Q That you saw them leaving Kansas? A I think it was.
- Q Was the war over then? A Yes sir, just right at the close of the war.
- Q Is your name on the roll of 1880? A I dont think it is.
- Q You applies for yourself a few days ago? A Yes sir.
- Q You was put on a doubtful card? A I guess so.
- Q You ought to know, you was told at the time wasn't you? A Yes sir.
- Q Dont you remember? A Yes sir, I remember.
- Q Was your step mother with your sister when they came back? A No sir.
- Q Where was she? A At Gibson.
- Q Didn't she live with your father after the war? A No sir.
- Q Did she go out during the war? A Yes sir.
- Q What was the name she went by after the war, Landrum? A Yes sir.
- Q Didn't she marry another man and take his name? A No sir.
- Q How long do you think Cassie Landrum has been dead? A She has been dead 12 or 13 years.
- Q Did she continue to live in the Cherokee Nation after the war?
- A Yes sir.
- Q Where has this 1/2 sister of yours lived since the war? A She has lived at Brown's Ferry and Iren's Ford and in Simon Lynch's settlement and in Arch Landrum's settlement.
- Q Has she ever lived outside of the Cherokee Nation since the war?
- A Most of the time.
- Q Do you mean to say she has lived in the Cherokee Nation most of the time since the war? A No sir.
- Q What do you mean to say then? A That she has lived right where my father first brought her most of the time since the war.
- Q Then you mean that she has lived in the Cherokee Nation most of the time since the war dont you? A Yes sir.
- Q You are positive that she has made her home here all the time since the war? A Yes sir.
- (By the Commission of the applicant)
- Q You didn't indicate that you had made your home here all the time since the war did you? A I worked out some.
- Q Where have you been out at work? A At Neesho Falls some times.
- Q Any other places? A Chetopa.
- Q Anywhere else? A No sir.
- Q How much work have you done at Neesho Falls? A Sometimes six months maybe seven, then I would make a trip back here.
- Q Did you take your family with you? A Yes sir I would take the baby there sometimes.

Q How about Ghetopa? A Yes sir the same way.
Q Have you spent as much as half your time in Kansas? A No sir, would come back and stay as much as 3 and 4 months at a time and then light out again, sometimes here and sometimes there.
Q When did your last husband die? A 3 years ago.
Q Where did you marry him? A Neesho Falls.
Q Where did you marry your first husband? A On the river where I live now.
(By Commissioner of witness, James Landrum)

Q What was the name of your sister's first husband? A Tom Daniels.
Q When did she marry him? A Long before the war.
Q How long has he been dead? A Been dead about 13 years.
Q Did she live with him until she died? A Yes sir.
Q What was the name of her second husband? A Jerry Kirkpatrick.
Q How long has he been dead? A About 4 years I think.
Q All of 4 years you think? A Yes sir, I think it is between 3 and 4 years.
Q Did she marry him after Tom Daniels died? A Yes sir.
Q Has she ever been married except these two times? A No sir.
Q Did she live with Kirkpatrick until he died? A Yes sir.
Q Do you know that your sister had been in the habit of going to Neesho Falls and Ghetopa and working there? A No sir.
Q You don't know anything about it? A No sir.
Q Her testimony shows that she spent half her time there and yet you say you have kept the run of her all the time and don't know anything about it? A (No response)

By Gen'r Breckinridge,-

The testimony of the applicant and of the witness James Landrum down to this point will be filed in the case of the said James Landrum, as it indicates that his testimony is unreliable and should be taken into consideration in weighing any statement he has made in his own application. His application is Cherokee Freedman D#664.

I, Chas. von Weise, upon my oath state that the above is a true and complete copy of that much of the original testimony as has been ordered filed in Cherokee Freedman Doubtful case #664.

(Signed) Chas. von Weise

Subscribed and sworn to before me this the 29th of July, 1901.

Seal

(Signed) M. D. Green
Notary Public.

File with Jim Landrum et al., C. F. D. 664.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 15th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jim Landrum et al., C. F. D. 664.

Appearances:
James S. Ravenport for the Cherokee Nation.
Mallette & Smith for the applicant.

G. R. GRIFFITH being first duly sworn before Com'y T. B. Needles testified as follows on the part of the Cherokee Nation.

(By Davenport)

Q What is your name? A G. R. Griffith.

Q Where do you live? A Vinita.

Q How old are you? A 29.

Q Where did you live before coming to Vinita? A Emporia, Kansas.

Q Did you ever live at Neosho Falls, Kansas? A Yes sir.

Q How long did you live there? A From '76 until '87.

Q While living there did you get acquainted with a colored man named Jim Landrum? A Yes sir.

Q Where was he living at that time? A Round town at different place, the last place that I remember him living at was on the east side of town in a little house he built there.

Q Did he have a family there? A Yes sir.

Q Did you know the names of any of them? A Only of one boy, Ed, there were others though.

Q How long did he live there, to your knowledge? A I dont remember when I first knew him, but he was there when I left, up to that time anyhow.

Q You left there when? A '87 or '88 I forget which it was, I know him a number of years there.

Q You never knew him before that? A No sir.

Q Have you seen him since he came to this country? A Yes sir.

Q Do you know where he lives now? A No sir I just seen him here in town.

(By Smith)

Q You dont know who the applicant in this case is do you? A That is the only Jim Landrum I know.

Q Do you know of your own knowledge that the man you are talking about is the same man who is making application for enrollment as a Cherokee freedman, here? A No sir I can't say that.

Q What year was the beginning of your acquaintance with the man you are talking about? A I can't say, Mr. Smith, I knew him when I was going to school there, I can't say when I first knew him.

Q How long did you live in Emporia? A From '87 or '88 when I first went up there until '92 when I left.

Q Where did you first know this man you are talking about in Neosho Falls Kansas?

Q What year? A I knew him until I left there. I dont know when I first knew him.

Q Did you know him in Emporia? A No sir.

Q You say you left there about '87 or '88? A Yes sir.

Q You can't state how long you had been there when you left? A Not exactly because I came there either in '87 or '88.

Q And you cannot say when you first knew Landrum? A No sir.

Q Do you know his family? A Only the boy Ed.

Q Was he grown? A Yes sir. Small

Q What is Neosho Falls, a town? A Small village of seven or eight hundred.

Q Have you been in Landrum's house there? A I have been by it.

Q You dont know when Jim Landrum went there? A No sir.

Q How old did you say you were? A 29.

Q How often would you see Landrum there at Neosho Falls? A Some times every day for a good many days and then wouldn't see him for a week or two.

Q Do you know if he lived at just one place or more than one place? A He lived at more than one place in town there.

Q You dont know really how long you was there? A No sir.

Q You dont know if all his family was there? A No sir I dont know how many he had in his family.

Q You dont know anything about where he lived before he was there? A No sir.

Q You dont know if he owned any property in the Cherokee Nation? A No sir.

EMORY CRAVENS, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee nation:

(By Davenport)

- Q What is your name? A Emory Cravens.
- Q Where do you live? A In Vinita.
- Q How old are you? A 42 or 3.
- Q Did you ever live in Kansas? A Yes sir.
- Q Did you ever live in Neosho Falls? A 12 miles from there.
- Q At what? A Iola.
- Q Did you get acquainted with a colored man named Jim Landrum there in Kansas? A Yes sir.
- Q Where was he living when you got acquainted with him? A Geneva, a little town close to Iola.
- Q After that where did he live? A Right in the country there all the time I knowed him.
- Q Have you ever seen him since he left there? A Yes sir.
- Q Where? A Here.
- Q Vinita? A Yes sir.
- Q Where is he living now? A North of here the other side of the mill.
- Q How long has he lived there? A Between five and six years.
- Q When did you see him in Kansas? A About '80.
- Q Did he have a family? A Yes sir.
- Q Do you know when he came there? A No sir.
- (By Smith)
- Q When did you first come to the Cherokee nation? A I have been here off and on ever since the close of the war off and on.
- Q Mostly off or on? A On every six months or so I would come here.
- Q When did you first come? A I came right after the close of the war.
- Q How many places have you lived in Kansas? A I have lived in Lawrence and Topeka and Wichita and Iola.
- Q Any other places? A No sir not permanently, I have been in other places, I didn't live there though; I did stay a while in Coffeyville.
- Q Did you ever live in Geneva? A No sir.
- Q Ever live at Neosho Falls? A No sir.
- Q What were you doing in Neosho Falls? A Going to meetings and fairs.
- Q About how many places were you acquainted in Kansas? A I have told you the principal places where I was acquainted.
- Q You have been testifying in a great many freedom cases? A No sir I have only been here twice before.
- Q You have been here more than that haven't you? A No sir this makes the third time.
- Q The other day didn't you say--when you were testifying the other day you didn't say anything about Neosho Falls did you? A No sir I was never asked about it.
- Q Didn't I ask you to state all the places in Kansas that you were familiar with? A No sir I don't think you did.
- Q Didn't I ask you that and didn't you undertake to tell me all the places you had been in Kansas? A I named such places as you named, as you asked me about.
- Q Didn't you undertake to name every place that you had been in Kansas? A No sir, only those that you asked me about.
- Q Didn't you undertake to name all of them that you had been? A No sir, I wasn't asked that question, you asked me if I had been in some places, but you never asked me no such questions.
- Q You have been in the penitentiary haven't you? A Yes sir.
- Q In Kansas? A Yes sir.
- Q You pleaded guilty to whisky selling in the territory? A Yes sir but I never sold any.

This will be filed in the original application, D-694 and also in D-698; D-700; D-701 and D-701.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 18th of October, 1901.

(Signed) T. A. Needles,
Commissioner.

P. D. 600.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 29, 1902.

In the matter of the application of Jane Riley for enrollment as a Cherokee Freedman:

SUPPLEMENTAL TO D-600.

Applicants represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

C. W. LEARNED, being first duly sworn, testified as follows:

- MR. DAVENPORT What is your name? A C. W. Learned.
Q Where do you live? A Neosho Falls.
Q What is your age? A 46.
Q How long have you lived at Neosho Falls, Kansas Mr. Learned?
A Ever since '87.
Q After you went to Neosho Falls, Kansas, did you get acquainted with Mr. & family of colored people by the name of Landrum? A Yes, sir.
Q How long after you went to Neosho Falls did you learn to know them, Mr. Learned? A Why about '88.
Q What were the names of the Landrums that you knew there, the older ones, Mr. Learned? A Jack and Jim.
Q Did they have a family there? A Yes sir.
Q Where did they live with reference to where you lived, Mr. Learned? A Lived on my father's farm.
Q On your father's place; do you remember the names of any of their family, of the children? A Why some of them I remember Ed Landrum that was the son of James, a girl named Alice, one named Frances, and one named Hattie, and one named Nell, and one named, boy, named John, and some more of them.
Q How long did either Jim or Jack Landrum, or either of them, continue to live in your father's place there near Neosho Falls to your knowledge? A Well Jim Landrum lived there from '88 to the time he left there. Well he didn't live there all the time on the place, he left after he had lived there about eighteen years; he left and came down here, but Jack Landrum, he lived there in '88.
Q Did Jack Landrum have a family? A Yes, sir.

Q And Jim Landrum lived there until about when? A I think he come to town about '84 or '85, and then come down here.

Q What makes you remember that Jack Landrum lived there until about '88? A Why a fellow named Hankins had come out from Illinois to our place, and we went fishing, and we concluded we would rather go where the darkies were holding a meeting, and he got in trouble with them and into a fight with Jim, or that is he wanted to, and he made a disturbance, and so then he come back, and we went over to town, and he got in trouble there in town, and they arrested him and he had a trial.

Q Well now do you remember who were the witnesses in that case?

A Tom Haniford was one.

Q Well do you remember any one else, whether any one else was a witness or not. Did you ever know a Ben Landrum up there? A No, sir, I never knowed a Ben Landrum.

Q Do you know where either of the Landrum families moved to when they left your father's place or that neighborhood? A Why, yes, sir, Jim Landrum moved to town.

Q Well where did Jack Landrum go? A Jack he pulled out, I don't know where he went. I suppose he come back down here.

Q Now from the time you went to Neosho Falls--that was in what year? A We went to Neosho Falls?

A Yes sir. I came there in '87.

Q Well, now when did Jack and Jim Landrum move on your father's place with reference to the close of the war, whether it was before or after? A Well this was after the war, '88 was the first I recollect of them.

Q Well now then they lived on your father's farm until about when?

A Yes, sir, on there in '88.

Q Jack or Jim moved away first? A Jack moved away first.

Q When do you think now he left the farm? A Well I don't know as I could just say when he left, but he didn't stay there very long after that.

Q And Jim stayed there several years? A Yes sir.

Q How many children had Jim when he came on your father's farm?

A Didn't have any just married.

Q Did you know what his oldest child's name was? A Yes sir.

Q What was it? A Called her Alice.

Q What was the next one? A Ed.

Q Was Jim Landrum's family there when you say Ed was born? A Living on our place.

Q There near Neosho Falls? A Yes, sir, in two miles of the falls, on my father's farm.

Q Well, since the birth of Ed have you ever seen him any since that time? A Yes, sir, he stayed there on the place till he grew up to be quite a chunk of a boy, and then he struck out and gambled went to Wichita, and that's the first place I knew when he left.

Q How long since you seen Ed? A Oh, it's been quite awhile. He was back there once, but I didn't get to see him.

Q About how old would he be now Mr. Learned? A Well, he must be in the neighborhood of thirty years, I think, somewhere along there.

Q How many children did Jim Landrum, about how many do you think that was born while he was living on your father's place? A Eight or ten.

MR. MILLER: When did you say your people first moved to there? A '87.

Q You remember that is you? A I remember when I first moved there, yes, sir.

Q You was a year old at that time, wasn't you? A '87.

Q Now you have said you remember when they moved there, and they moved there in '87, now you have said that your people moved there in '87, and that you remember it, didn't you? A Well, I don't know as I remember.

Q Well you swore it just now, that you remembered, and it's down there, and you're forty-six years old, and yet can remember when you was a year old, when you swear that you remember when your people moved there, don't you? A '57.
Q Well I knowed them in '50.
Q Well you swear you remember? A But I don't know as I remember.
Q Why didn't you swear just now that you remember when your people moved there, didn't you? A I don't know as I did.
Q Didn't you just swear--oh ask you in the presence of all these witnesses--swear that you remembered when your people moved there in '57, now answer whether you said that or not? A I don't think I did.

Q You swear that do you; read the record.
(Reader reads).

Q Now don't you think that's rather wild swearing?

MR. DAVENPORT: I object to that question.

MR. HARRIS: Don't you think that's rather wild swearing?

MR. DAVENPORT: Answer the question, Mr. Learned.

A Swearing that I knew when I moved there in '57?

MR. HARRIS: Yes, sir. A No, I don't recollect when I moved there in '57.

Q What made you swear it then? A Don't know as I understood the question.

Q Well I asked the question straight out; how old were you in 1907?

A About 11.

Q About eleven years old, and you remember the dates this length of time and exactly when those people left there, and every thing of that sort, is your? A I remember because of the incident I told.

Q What incident? A The man getting in trouble and being arrested.

Q Can you remember the witnesses that appeared that length of time ago when you were only eleven years old? A Well Tom Daniels was a brother of Jim's, that's the reason I remember that.

Q You were eleven years old at that time wasn't you? A Yes, sir.

Q And you remember all about that? A Well, I don't remember all about it.

Q Were you at the trial? A No, sir.

Q How do you know who were the witnesses then? A Jim told me.

Q You're testifying to what people told you, are you? A I wasn't at the trial.

Q You don't know who were the witnesses, do you? A Jim said--

Q But I am not talking about what people said, but what you know about it? A I wasn't at the trial myself.

Q You don't know who were the witnesses? A Only what they said.

Q Do you remember when Jack Landrum left that country? A No, sir, I do not.

Q Didn't you say awhile ago that he left there in '57? A No, I said he might have been away in '58, but I knew him there, '58, he was on our place in '58. Jack Landrum was there in '58.

Q Don't you know that he is on the 1880 roll as a freedman citizen of the Cherokee nation? A Well, I don't--

MR. DAVENPORT: I object to that because that's not evidence of where he was.

MR. HARRIS: I would like to have the roll examined, I would like this testimony to show that John Landrum is on the 1880 roll, because--

MR. DAVENPORT: That's no evidence where he was in '58.

MR. HARRIS: 1880 roll page 121, No. 1221, John Landrum, Coconino County, District, Admitted Colored.

MR. DAVENPORT: Now there isn't any possibility of your forgetting the date exactly, being as you was only 11 years old at that time, was there? A I might have if it hadn't been for that trial.

- Q You wasn't at the trial? A Well, I might have been talking about it.
- Q What makes that trial impress upon you the fact? A Why that made me think when we was out there at the meeting.
- Q What meeting? A Early meeting.
- Q When was that meeting? A That must have been along in about May, I guess.
- Q Well do you remember every body that you saw up there when you was 11 years old? A No, sir.
- Q But? A Don't know, sir, as I remember, if they hadn't been living on our place.
- Q Who lived on your place? A Jack Landrum and Jim.
- Q Jack Landrum and Jim; where were they in '66? A Couldn't tell you.
- Q Don't know where Jack Landrum or where Jim Landrum was in '66? A No, sir.
- Q '67 where were they? A I couldn't tell you.
- Q Don't know whether they were there or not, do you? A No, sir.

MR. DAVENPORT: You know that after that they lived on your father's place? A Yes sir.

Q And you know that Jim Landrum's children were born while they were living on the place? A Yes sir.

COMMISSION: The following is offered in evidence by the representatives of the Cherokee Nation:
[State of Kansas]
Woodson County, KS.

I, A. C. Woodruff, Clerk of the District Court within and for said county and state above named, do hereby certify that the case of the State of Kansas vs. Booth Lusk was continued from the October Term, 1902, to the April term 1903, of the District Court of Woodson County, Kansas. I further certify that Thomas Daniels and Ben Landrum were witnesses in said case as the same appears on record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 25th day of April, 1903.
(Seal)

A. C. Woodruff, Clerk.

MR. HIGGINS: Did you ever see that certificate? A No, sir I haven't seen it.

Q Did you ever look at the record to find out who were witnesses in that case? A I never looked at it myself.

Q Who did look at it? A A man by the name of Keys.

Q Mr. Keys was up there helping the Cherokee Nation find out who were witnesses in that case you speak of and then told you, didn't he? A I told him where he could find it; to go to Center, the county-seat, and he could find the record.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: B-601, B-602, B-603, B-604, B-700, B-701, B-702, B-1112, and in B-600, the case at bar.

Arthur S. Grominger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of May, 1903.
Arthur S. Grominger.
Phillip C. Sawyer,
Notary Public.

(Signed) Margaret Grubinger.

Subscribed and sworn to before me this 8th day of May, 1962.

(1841)

(Signed) P. G. Renter,
Notary Public.

4. E. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing and that the same is a true and correct copy of the original.

Subscribed and sworn to before me this 26th day of July, 1900.

Prince & Jones
Notary Public

710665-

Proof of Service made
and original filed with the
DAVES COMMISSION.
SEP 30 1901

Reg.
Sept 20-1901

NOTICE!

IN THE MATTER OF the application of Benjamin Beak
for enrollment as Cherokee Freedmen:

Case No. F. D. 865

To Benjamin Beak Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L. B. Bell

N. W. Hastings
J. P. Darnport

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 15th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Benjamin Beck as a Cherokee Freedman, introduced on part of the Cherokee Nation:

APPEARANCES:

Mr. L. T. Brown, Agent for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

Mr. Brown: Notice is hereby given that applicant will introduce testimony one day next week.

WILLIAM ~~WHEAT~~ MARTIN, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

- MR. DAVENPORT: What is your name? A William Martin.
- Q Where do you live, Mr. Martin? A I live in the Cherokee Nation, been living on Big Creek until right recently I moved to Snow Creek.
- Q What is your post office? A Coffeyville.
- Q How long have you lived in the Cherokee Nation? A I have been living here since the fall of '67.
- Q To what point in the Cherokee Nation did you move in the fall of '67? A Where I am living, down on my old place.
- Q On what creek? A On Big creek.
- Q Have you a brother Jim Martin? A Yes, sir.
- Q Where does he live? A He lives on Big creek.
- Q How long has he lived on Big creek? A He has lived there ever since Spring of '68.
- Q Did Jim Martin live on Big creek between the close of the war and spring of '68? A No, he came there in the spring of '68, he has resided there ever since.
- Q Did you live there between the close of the war and '67?
- A Yes, sir.
- Q Where did you go there? A I come there in the fall of '67.
- Q Did you live there from the time the war closed until you came there in the fall of '67? A No, sir.
- Q Do you know Ben Beck? A No, sir.
- MR. BROWN: When did you say you came to Big creek, Mr. Martin?
- A In the fall of '67.
- Q You don't know the applicant at all? A No, not as I know of, I might have seen him, but I don't know anything about him.
- Q Where did you come from when you came to Big Creek in '67?
- A I came from Lawrence.
- Q Had you been at Lawrence from the time, during the war until you came to Big Creek? A I lived there several years and at the close of the war I came down there.
- Q You lived there before the war? A Yes, sir.
- Q When did you say Jim Martin first came to Big Creek? A He came in the spring of '68 or '9.
- Q Spring of '68 or '9? You said '68 a while ago, which is it?
- A Spring of '68.

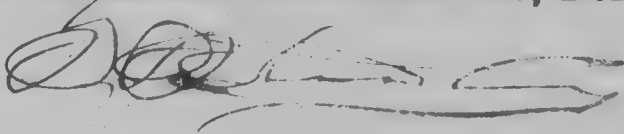
Com'r Needles: This testimony will be made part of the record in the case at bar and will be made part of the record in Freedman D. #884.

Supl.C.F.-D.#996.--2.

J. O: Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 21st, 1901.



Commissioner.

P. 2-400.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washburn, Idaho, May 22, 1906.

In the matter of the application of Benjamin Beck et al. for
enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO P-400.

APPEARANCES:

F. W. Hastings for Cherokee Nation,
Louis F. Brown for applicants.

MR. HASTINGS: The Cherokee Nation asks that the testimony
taken in the case of Freedmen Benjamin Beck et al. be made a part of the
record in this case, with reference to the Cherokee Nation.

COMMISSIONER: The request of the Nation will be complied with
and the testimony filed.

Arthur G. Croninger, being first duly sworn, stated that he
photographed to the Commission to the Five Civilized Tribes he re-
ported in full the testimony and proceedings in the above case, and
that the foregoing is a true and complete transcript of his photo-
graphs taken thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 2nd day of July, 1906.

(Seal)

J. R. Ruster
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D.C., May 27, 1900.

In the matter of the application of Benjamin Beck for the
enrollment of himself and children as Cherokee freedmen.

SUPPLEMENTAL TO Y-000.

APPENDIX:

Louis F. Brown for applicant,
J. S. Deshaupert for Cherokee Nation.

ANN FIVE, being first duly sworn, testified as follows:

Q. Now, KNOWN: State your name? A. Andy FIVE, is my name.
Q. What's your age? A. 37.
Q. Your postoffice address? A. Vinita.
Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.
Q. Is your name on the 1880 roll? A. Yes, sir.
Q. Do you know the applicant, Ben Beck? A. Yes, sir.
Q. When did you see him for the first time after the close of the
civil war in the Cherokee Nation? A. It was in '68.
Q. Where? A. On Grand River.
Q. Now, KNOWN: You say that you saw him, Andy, in '68 on Grand
River? A. Yes, sir.
Q. Well, about how long was you there with him in '68? A. Why he was
there for two or three months at a time, then he would disappear,
and don't know where he would go, and he would be back.
Q. What part of '68 did you see Ben Beck up on Grand River? A. It
was in the fall, along in the year.
Q. How long did you see Ben Beck on Grand River? A. I saw him
there about two or three months on Grand River.
Q. What part of Grand River was he living when you saw him? A. I
was living.
Q. I am not talking about you living? A. Oh, Ben?
Q. Yes, sir. A. I don't know where Ben was living, he was there
just backwards and forwards.
Q. Well, where did he go when he was backwards and forwards? A. Why
he said.
Q. I am asking you what you know? A. Well he would disappear.
Q. What part of '68 did you get back? A. I came back in October, '68.
Q. How long had you been back when Ben showed up? A. Oh, yes, sir,
about a month I guess, yes, sir, I guess about a month, '68.
Q. Ben was there till way along in the spring.
Q. Who did he live with? A. Why he just stayed around there among his
kin-folks.
Q. Who was his kin-folks? A. Simon Leach and Mary, amongst them
there, where I saw him principally at Simon's.
Q. Well, who did Ben come back to this country with? A. I don't know
who he came back with at all.
Q. Who did you first see him with when you saw him? A. I saw him
right there at Simon Leach's when I first saw him.
Q. Well, now which did you see first, Ben Beck or Jim Leach? A. Why
I saw Jim Leach, he was down here.
Q. And Jim Leach came before Ben did? A. I don't know whether Jim
came before Ben or not, I saw Jim.
Q. You saw Jim before you saw Ben? A. Yes, sir.
Q. And that is all you are going to say, is when you saw them, you are
not certain as to what they came back to the country? A. No, sir.
Q. Well, now which came first, Ben Beck or Jim Leach? A. Why I
don't know which one came first.

Q How do you know where Jim Landrum, Jack Landrum and Ben Beck went to, if at all, during the war? A Why I know Jim and Jack went to Kansas.

Q Do you know what part of Kansas? A Why no, sir, I don't know exactly.

Q They went up about Neosho Falls didn't they? A Well I guess they did, somewhere.

Q You know Jim's family don't you? A Knewed his wife.

Q Did you ever know any of his children? A I knowed two of his children.

Q What were their names? A Well I don't hardly know their names, but I know them.

Q Well you are positive of the fact that you saw Jim Landrum back in the Cherokee Nation before you did Ben? A Yes, sir.

Q Did Jim have his family with him? A No, sir, I don't think he did.

Q Did he have any family at that time? A I don't know whether he had any family or not at that time.

Q Well did he continue to live there on the river after you saw him next? A No, sir, I didn't see him all the time.

Q Well did he have a home or try to live there? A I saw him there at his father's was all.

Q Who was his father? A George Landrum.

Q Well he was a grown man? A Yes, sir, he was a man.

Q He was a grown man before the war came up too? A Why he was about grown I guess.

Q Well don't you know he was about grown? A I guess he was.

Q Sixteen or seventeen or somewhere along there when the war closed?

A When the war closed, I reckon he was more when the war closed.

Q About 21 years old or upwards? A Yes, sir.

Q You don't know whether he had a family or not at the close of the war? A No, sir.

Q Did you ever know his wife's name? A Margaret I believe was her name.

Q Did you ever know any of his children? A Yes, sir, I know two of his children.

Was one of them Alice? A I know Alice but I didn't know the other.

Q Did you ever know Ed? A No, sir, I never did.

Q Well how long after you saw Ben there did he take up his residence, if at all, near you? A Why at Ben didn't take any residence down on the river at all.

Q Well when did he take any in the Indian Territory in the Cherokee Nation? A That's out of my knowing.

Q You don't know whether he ever lived in the Cherokee Nation at all? A No, sir, I see he lived here, but then I don't know when he came back.

Q Now what other boy that was no relation to you do you remember seeing in the fall or '05 up there besides Ben? A Oh, I don't know.

Q Can you name a single one? A I couldn't name, no, sir.

Q How does it happen that you just remember Ben, because he is an applicant? A Because he lived right close to us.

Q Had you known him before the war? A I wasn't personally acquainted with him.

Q What do you know in reference to where he lived before the war?

A No, sir, but I know that he belonged to the Becks.

Q You don't know of your own knowledge do you? A I heard of it.

Q And you just now remember seeing him down there, and remember distinctly it was in '05? A I know it was in '05, and I were seeing Ben up until '05, and I know when he went out, he went out in '05.

Q You know that just as well as you know you seen him in '05? A Yes, sir, because he went out at that time.

Q Well where did Ben belong? A I don't know, sir, where he belonged.

Q Well when he went out on your wagon where did he go? A Went to
Tella, Kansas.

Q Well when did you next see him after he went out on your wagon?
A Why I never saw him no more till Colonel Wallace court there.

Q Never saw him any more until Wallace court? A No, sir.

Q And he was married and had a family when you saw him next? A I
guess he did; he didn't have his family when I saw him.

Q He came down from Kansas to court there on the Wallace roll? A
I don't know where he came from.

Q Did you have any talk with him? A No, sir, nothing in particular.

Q Didn't you ask him where he had been living since he had been
out on your wagon that time? A No, sir.

Q Now that Wallace roll was made in what year? A I don't recollect.

Q Now do you remember distinctly that he rode out on your wagon in
'88 and then can't remember what year the Wallace roll was made? A
I can tell just how I remember. I had a child born in '88, my
wife went to Kansas, and she went about '88 and Ben went with her.

Q You had another one born about the time the Wallace roll was
made didn't you? A No, I guess not. I guess I had one child before
that or since that.

Q And your wife went to Kansas to visit her sister about the
time the Wallace roll was made? A No, sir, she didn't.

Q She didn't make a visit and you can't tell what year the Wallace
roll was made? A Oh, I can't just recollect just what year it was
made.

Q Was it in '88 or '89 the Wallace roll was made? A I don't
recollect, I tell you that I don't recollect.

Q Just remember those things that pertain to '88 is all? A I can
remember very well what date that was that Ben went from here to
Kansas.

Q You can remember the day or the month can't you? A No, I
don't know the day or the month, but I can remember what month it
was.

Q What month was it? A July.

Q '88? A Yes, sir, - '88, July, '88.

Q What year was the Kerna-Clifton roll made? A I don't recollect
that either.

Q And you had the money paid out on the Kerna-Clifton roll? A I
didn't keep that date.

Q What year did the Dawes Commission begin to make their freedom
roll? A I have never kept that date.

Q What year is this? A 1892.

MR. BROWN: Do you mean 1890 or 1891? A 1892.

Q Now you are on the 1892 roll? A Yes, sir.

Q And the same year that you returned to the Cherokee Nation that
you saw this applicant? A Yes, sir.

MR. DAVENPORT: I object to any such questions; it is his own
witness. Do you know where Ben was married? A No, sir, I don't
recollect where he was married.

Arthur G. Croninger, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported in full the testimony and proceedings in the above case, and
that the foregoing is a true and correct transcript of his steno-
graphic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 8th day of July, 1892.

(Seal)

J. R. R. R.
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, I. T., May 27, 1900.

In the matter of the application of William Mayes for the
enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-220.

APPEARANCES:

Lewis F. Brown for applicant.
V. V. Hastings for Cherokee Nation.

JOSEPH STARR, being first duly sworn, testified as follows:

- MR. BROWN: State your name? A My name is Joseph Starr.
Q What is your age, Mr. Starr? A About 45.
Q Are you a recognized citizen of the Cherokee Nation? A Just
halfway.
Q Well do you know the applicant here, William Mayes? A Yes, sir.
Q Did you know his mother? A Yes, sir, I knew his mother.
Q When did you see her for the first time in the Cherokee Nation
after the close of the civil war? A Well the first time I saw her
after the war it was in the winter of '64, she came and taken
Christmas with us.
Q Where did she go from there? A Well after she left from there
she went across the line at a little place called Evansville, hired
out.
Q Who did she hire to? A Man named Mark Bean.
MR. HASTINGS: What was his mother's name? A She was named
Flora Gott.
Q Mark Bean lived in Flint District? A He was living across the
line, right at the foot of Boston Mountain.
Q And that was in '66 was it? A No, this was when she came
there, she went to there in the spring of '67 and hired to Mark
Bean.
Q Who brought you back to the Cherokee Nation after the war? A
Charley Starr.
Q Did you know Ellis Burrington? A I do.
Q Was Ellis up there in Flint when you came back? A No, sir, he
wasn't.
Q Did you know James Starr, commonly known as Hickory Starr? A I
know Hickory Starr.
Q Where was Hickory Starr living when you got back? A He was
living right there in Flint District.

MR. HASTINGS: The Cherokee Nation asks that all the testimony
filed by the Cherokee Nation in the case of Joseph Starr, showing when
the witness, Joseph Starr, returned to the Cherokee Nation, being the
testimony of Ellis W. Burrington and James Starr, be filed with and
made a part of the record in this case.

MR. BROWN: The applicant objects to the testimony taken by
the Cherokee Nation in the Joseph Starr case being made a part of the
record in this case for the reason that the witnesses who gave testi-
mony have never been called as witnesses in this case, and the
applicant therefore has had no opportunity to cross-examine them as
to the matter about which they testified, and for the further reason
that it is incompetent.

MR. HASTINGS: The Cherokee Nation contends that it is competent
in this case because the applicant, Joseph Starr, himself was present
when these witnesses testified, and he had the opportunity to
cross-examine them, and if these witnesses testified that this per-
son was the applicant in that case, didn't that make him

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ACTING CHAIRMAN

in fact and wasn't in the Cherokee Nation at that time, it is certainly relevant to show that he was not here, and therefore could not know the things of which he now pretends to testify.

MR. SHAW: I move now the applicant and moves the Commission to strike from the records in this case the remarks of the representative of the Cherokee Nation.

COMMISSION: The request of the Cherokee Nation will be complied with and the testimony filed and made a part of the record in this case.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 8th day of July, 1902.

1 Seal

E. K. Kester
Notary Public.

Cherokee

Cherokee Freedmen D-665.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Benjamin Beek and his minor children, Pearl, Josephine and John Beek, as Cherokee Freedmen.

DECISION.

The record in this case shows that on June 10, 1901, Benjamin Beek appeared before the Commission at Cholsen, Indian Territory, and made application for the enrollment of himself, his wife, Bettie Beek, and his minor children, Pearl, Josephine and John Beek, as Cherokee freedmen. The said Bettie Beek claims only as a citizen by intermarriage, and her rights are not passed upon in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 18, 1901, and at Muskogee, Indian Territory, on May 27, 1902. The testimony taken at various times and places in the matter of the application for the enrollment of Jim Landrum, et al., as Cherokee freedmen, is made a part of the record herein.

The evidence in this case shows that the said Benjamin Beek was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation, and the date of his return thereto is not clearly established. It appears from the testimony of the applicant, Benjamin Beek, that one Wilson Towers had established a residence in the Cherokee Nation and was living therein when the said Benjamin Beek first returned to the Cherokee Nation after the rebellion. The Commission has found in Cherokee Freedmen D-466 that the said Wilson Towers did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; therefore, the applicant, Benjamin Beek, did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of said Court of Claims. The applicants, Pearl, Josephine and John Beek, are the children of said Benjamin Beek, have been born since 1866, and have no right to enrollment except such as they may derive through their father.

It does not appear that any of the applicants herein are

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identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Benjamin Beek, Pearl Beek, Josephine Beek and John Beek as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed).

Tame Dixby.

Chairman.

(Signed).

T. B. Needles.

Commissioner.

(Signed).

C. R. Breckinridge.

Commissioner.

Muskogee Indian Territory.

JUL 23 1904

Commissioner.

1103
Cherokee Freedmen

D-665.

Muskogee, Indian Territory, July 28, 1904.

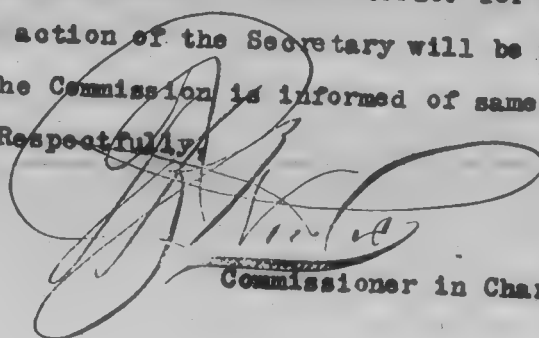
Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application of Benjamin Beck for the enrollment of himself and his three minor children, Pearl, Josephine and John Beck as Cherokee freedmen.

The decision, with the record of proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,



Commissioner in Charge.

Encl. S-133.

COMMISSIONERS
TAMM RIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee
REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D 000

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 4, 1904.

Bell, Hastings & Inverport,
 Attorneys for the Cherokee Nation,
 Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated
 July 21, 1904, rejecting the application for the enrollment of
 Benjamin Book and his three minor children, Josephine and John Book
 and Pearl Huff, as Cherokee freedmen, was reversed by the Secretary
 of the Interior on September 9, 1904, and the Commission ordered to
 enroll said applicants as Cherokee freedmen.

Respectfully,



Chairman.

Cher Fr D 666

Cher Fr D 666

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 23d, 1901.

In the matter of the application of John Vann for the enrollment of himself, wife, four children and his mother as Cherokee Freedmen; said Vann being sworn and examined by Commissioner C. R. Brookinridge, testified as follows:

- Q Give me your name? A John Vann.
Q How old are you? A About 45 I guess.
Q What is your postoffice? A Ketchum.
Q In what district do you live? A Delaware.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A My mother.
Q Is she unable to apply for herself? A Yes sir, she is sick and aint able to get around.
Q How old is she? A She is about 72 1/2 years old.
Q Then yourself and your mother? A And my children.
Q How many children have you? A Four.
Q Have you a wife? A Yes, sir.
Q Don't you want to apply for her? A No, sir, she don't belong.
Q Are you and she living together? A Yes, sir.
Q What is she? A She is a colored woman, married her in the States.
Q You had better apply for her you can't tell what her rights may be? A All right, and my brother's children, he is dead.
Q Are they orphans? A They have got a mother.
Q What has become of her? A She is living.
Q Are the children living with her? A Yes sir.
Q She had better apply for them? A All right.
Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation about 34 or 35 years.
Q Where did you live before that? A Lived sometime in Kansas.
Q Where were you born? A Born in Saline District.
Q You were born in the Cherokee Nation? A Yes, sir.
Q Were you taken to Kansas during the war? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life except when you were in Kansas that time? A Yes, sir, that has been my home all the time.
Q You have never made your home anywhere else? A No, sir.
Q Give me the name of your father? A His name was Gull Vann.
Q Is your father alive? A No, sir.
Q How long has he been dead? A I don't know.
Q Give me the name of your mother? A Susan Fee or Vann.
Q Is she alive? A Yes, sir.
Q What is her present name? A Susan Fee.
Q How long has she borne the name of Fee? A About 35 years.
Q Give me the name of your wife? A My wife's name, Callie.
Q How old is your wife? A She is 41 years old.
Q Where did you marry her? A I married her in Newton, Kansas.
Q How long ago was it you married her? A In '97.
Q You had been married before that had you? A Yes, sir.
Q How many times have you been married altogether? A Three times.
Q Give me the name of your first wife? A Her name was Malinda.
Q When did you marry her? A I married her in 1854.
Q Where did you marry her? A On Grand river in Delaware district.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A It has been about, she died in '96.
Q Give me the name of your second wife? A Her name was Mattie.
Q When did you marry her? A In '84, I think, it was '83.
Q Is she dead? A Yes, sir.

Q Is she dead? A Yes, sir.
Q When did she die? A '91.
Q Was she a Cherokee Freedman? A No, sir.
Q Where did you marry her? A I married her at Florence, Kansas.
Q Now, your present wife, has she any right to enrollment of her own, or only by right of marriage? A Only by marriage.
Q Give me the names of your four children? A George Vann.
Q How old is George? A He is 16 years old, be 17 in June.
Q How old is Jane? A 14.
Q Give me the name of the next child? A Gull.
Q How old is Gull? A He is 12.
Q Give me the name of the next child? A Eva.
Q How old is Eva? A She is 11.
Q That is all is it? A Yes, sir.
Q Are these children all living now? A Yes, sir.
Q Who is the mother of George? A Mattie.
Q Who is the mother of James? A Mattie.
Q Who is the mother of Eva? A Mattie.
Q Who is the mother of Gull? A Mattie.
Q These are all the children of your second wife? A Yes, sir.
Q Have you a certificate of marriage to your wife, Mattie?
A Yes, sir, but is at home. There is a man here that was a witness on the certificate.
Q Is there a man here that saw you married to her? A Yes, sir.
Q Where is he? A He is out here, George Lynch; that is, he signed a certificate of the marriage, he was not there when we married.

GEORGE W. LYNCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A George W. Lynch.
Q How old are you? A I was born in 1853.
Q What is your postoffice? A Vinita.
Q In what district do you live? A I live now in Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A Well, I guess about 48 years.
Q Do you know the applicant here, Josh Vann? A Yes, sir.
Q How long have you known him? A Well, I guess I have known him 25 or 30 years.
Q Have you seen him frequently for the last 25 or 30 years?
A Well very frequently with the exception of about five years of the time.
Q What five years was that? A Well, recently.
Q The last five years? A Yes, sir.
Q He has been married has he? A Yes, sir.
Q How many times has he been married? A Why, I don't remember of his marrying but twice.
Q Where was he married the first time as far as you can remember?
A Well, sir, the first time, I don't remember where he was married at, but I was away and I come back and he was married, but I don't remember right where he married, but I do know he had a wife when I got back and was living with her.
Q Where was he living the next time? A Well the next time, I could not say where he married then; he married during the last time that he went away, the last five years I said, I don't know, I wasn't with him, during his absence and then he married.
Q Well do you know the names of the women he married? A Well, one name was, I think the first one was, went by the name of, well I didn't know, but I learned she went by the name of Mattie, Smith before he married her.
Q You didn't know her yourself? A Yes, sir, I knew her after.
Q She is dead isn't she? A Yes, sir, she is dead.
Q You have no personal knowledge of his ever having married before

he married Mattie Smith? A If he had I didn't know it.

Q Did you know Mattie Smith during her life time? A Yes sir.

Q Did you know her as this man's wife? A Yes, sir.

Q Are not you one of his witnesses on his marriage certificate?

A Not as I know of; I knew he married sometime after that at that time; I know he married, they stayed at my house and his wife was my wife's sister at that time.

Q Do you mean this wife Mattie, was a sister of your wife?

A Yes, sir.

Q Well, where did he and this woman Mattie marry? A Well now I will tell you gain, they married at my absence and I would like to be positive if I tell that, I don't know.

Q Where were you when they married? A I, as well as I remember, was traveling with a show.

Q You don't know where they were married do you? A Well I tell you I don't know, was not positive.

Q Do you know how long they lived together as husband and wife?

A Well, as well as I can remember it was somewhere in the neighborhood often or eleven years, as well as I can remember.

JOSH VANN, the Applicant, re-called:

Q You say you have a certificate of marriage to that last woman?

A Yes, sir, and I will produce it, but I haven't got it here.

Q What was the name of this woman, Mattie, before you married her? A Mattie Smith.

Q How old was she when she died? A I guess she was about 29 or 30 years old, I don't know exactly.

Q Was she ever married before she married you? A Yes, sir.

Q How many times? A Once as far as I know; I don't know only what she told me.

Q Was that husband dead when she married you? A Yes, sir.

Q How long has your mother lived in the Cherokee Nation? A All her life, only what time she was out as I understand.

Q All her life except a while during the war and little after?

A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his father or mother not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicants' names and those of parents of Applicant not found thereon.

Q Was your family on the roll of 1896? A I don't know.

Q You are not? A No, sir.

Q Where was George Vann born? A Born in Delaware District.

Q Where was James born? A Delaware District.

Q And Gull and Eva? A Same, Delaware District.

The Kerna-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:

Page 156, #3853, Josh Vann, Cooweescoowee District.

Page 156, #3852, Susan Pee, Sakhana or Vann, Cooweescoowee Dist.

Page 163, #4039, James Vann, Cooweescoowee District.

Page 163, #4033, Gull Vann, Cooweescoowee District.

Page 153, #4034, Eva Vann, Cooweescoowee.

Q Who can that George Vann be 30 years of age there? A I don't know; there has somebody made a mistake.

Q There is no other George Vann of your family? A No, sir.

Page 163, #4051, George Vann, Cooweescoowee District, 30 years of age.

Q Are you on the Wallace Roll? A Yes, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 146, #3833, Joshua Vann, Cooweescoowee District.

APPLICANT: Wasn't any of them (children) enrolled on the Wallace roll.

- Q You were carried to Kansas were you during the war? A Yes, sir.
- Q When were you taken there? A Well, I can hardly remember.
- Q When did you come back? A We come back along in the summer as well as I can remember of '66.
- Q In the summer of 1866? A Yes, sir, it was warm weather.
- Q Were you a slave in the Cherokee Nation when the war broke out?
- A I guess so, my mother was.
- Q To whom did she belong? A Joe Vann.
- Q Was your father a slave? A No, sir.
- Q He was a non-citizen was he? A No, sir, he wasn't a non-citizen.
- Q Was he a Cherokee Freedman? A No, sir, he was a Cherokee, they tell me, I don't know, the folks tell me he was.
- Q Were he and your mother regularly married? A No, sir.
- Q Are you the only child of his? A Yes, sir.
- Q Your mother has other children? A Yes, sir.
- Q Has she children by the name of Pee? A Yes, sir.
- Q How many children has she of that marriage? A Had four, there is two living.
- Q How does it happen that you are not on the roll of 1880? A I could not tell you.
- Q Where were you at that time? A On Grand river.
- Q How does it happen that your mother is not on the roll of 1880?
- A I could not tell you that, they just didn't put us on.
- Q Do you remember of having applied for enrollment in 1860?
- A Yes, sir.
- Q And what did they say to you? A They didn't say anything, only just taken our names, taken all the names.
- Q Did they refuse you at that time? A No, taken our names, I don't know what he done with them.
- Q That is all you know about it? A Yes, sir.
- Q How does it happen that you are not on the roll of 1896?
- A I was not here.
- Q Where were you? A I was up in Kansas.
- Q What were you doing up there? A I was working part of the time.
- By W. W. Hastings, Cherokee Representative:
- Q What was your stepfather's name? A Charley Pee, one of them was named Charley Pee.
- Q Where was he and your married? A They was married in Kansas.
- Q During or after the war? A It was right away after the war.
- Q After peace was declared? A Sometime about that time.
- Q You remember that? A I remember a little about it, not a great deal.
- Q You remember when your mother was married? A Well, yes, sir, I remember something about it.
- Q About how old were you when the war closed? A I guess that I was about eight or at ten years old, I don't know my age exactly.
- Q What was the oldest child's name that your mother had by your stepfather, Charley Pee? A Lettie.
- Q Was Lettie older than Jesse? A No, sir.
- Q Was Lettie younger than Martha? A No, sir.
- Q Then Jesse and Martha are not children of your mother by Charley Pee? A No, sir.
- Q Is Lettie living? A Yes, sir.
- Q Where does she live now? A Vinita.
- Q Is she married? A Been married.
- Q How old is she? A I would think she is about 32.
- Q Where was Lettie born? A She was born in the Cherokee Nation.
- Q Where? A Up close to the line of Kansas.
- Q Do you remember going back with your mother after the war?
- A I remember a little about it.
- Q How did you return to the Cherokee Nation? A In a wagon.
- Q A horse wagon? A Yes, sir, we had a mule team.
- Q Did you have more than one team? A Yes, sir, we didn't have

but one wagon though.

Q Did you have two teams to the one wagon? A No, sir, didn't have two teams to the one wagon, but had more than one team.

Q Did you bring them along with you? A Yes, sir.

Q Did any others besides your own family come back with your stepfather and mother, any other colored people I mean? A Why there was another family come down when he first come down there before he come and got us, when mother and us come he come and got us, there was not anybody come with us then at that time.

Q He come down here then first, before you and your mother?

A Come a little while before we did, he come in the spring.

Q And he came back after you and you all came in the summer following? A Yes, sir.

Q Now to what point in the Nation did you return? A Down here on Russell Creek.

Q How far from Chatopa, Kansas? A About three miles, maybe a little more.

Q You located there that summer? A Yes, sir, we stopped there that summer.

Q Built a house? A Built a little shanty in the fall like.

Q How long did you remain there at that place? A We stayed there that winter.

Q The winter of '66 and the first part of '67? A Yes, sir, we stayed there until the next spring.

Q What did you do during that summer and winter? A I didn't do anything.

Q What did your stepfather do? A He went backwards and forwards back up towards Kansas, somewhere, wasn't doing anything.

Q Did you have any neighbors up there? A Not as I know of.

Q You never saw any at all? A No, sir.

Q Did you raise any crop? A No.

Q Where did you get anything to eat? A I told you he went backwards and forwards up in Kansas and bought it I guess, might have sold it, I don't know.

Q Did he ever go up to Chatopa? A Wasn't any Chatopa.

Q About how far from where Chatopa now is, I think you answered it a while ago? A About three miles.

Q On which side of the M.K. & T. railroad, east or west? A It is east of the M.K. & T. Railroad.

Q About how far? A About two miles and a half or three miles.

Q Do you know who owns a farm up where that is now? A No, sir, I don't.

Q Well what did you do, leave there? A Why we went the next spring back across there in the States.

Q In Kansas? A Yes, sir.

Q What part of Kansas? A We went over there where Chatopa is now and from there acrossed the river, crossed the river on the other side, what is called Neutral land, or something of that kind.

Q About how far from Chatopa? A About two miles and a half.

Q North? A Northeast.

Q Well, how long did you stay there? A Stayed that summer and until fall like and then we come back to Russell Creek.

Q In the fall of '67 you returned then to where you had been previous to that? A Yes, sir.

Q How long did you live there? A We lived there that winter a part of the winter and we went back over across the line.

Q That was sometime in the winter of '67? A I think it was.

Q And how long did you live up in Kansas that time? A Oh, we stayed there all the next year.

Q All the year of '68, and then when did you return to the Cherokee Nation? A We stayed there until the fall or winter of '68 I think, I ain't sure now, and then we come back to the Nation and moved down on Verdigris.

Q That was in '69? A I think so.

Q Well, now, to what point on the Verdigris did you come then?

A Right where the Creek line crosses the Verdigris river.

Q Well, how long did you remain there? A Moved on Grand river.

Q And that must have been about the year '70 or '71? A Somewhere along there.

Q Now, what point on Grand river did you go? A Went over there close to Bryant's salt lake.

Q In Saline District? A No, sir.

Q On the west side of the grand river? A Yes, sir.

Q How long did you stay there? A About a year.

Q And then where did you go? A Up on Grand river in Delaware District.

Q And that was '72 or '73 was it? A '73 I believe.

Q Well when did you go back to Kansas after that? A I went every once in a while.

Q Well when was the first time you went? A I went back to Kansas and herded cattle for a man in '72.

Q On what place? A Right at the head of Russell Creek.

Q How long did you stay up there? A I stayed up there that once summer and winter.

Q You were married up there the first time? A No, sir.

Q Where were you married the first time? A On Grand river.

Q When was that? A In '75 I believe, somewhere along there.

Q Who married you? A Colored preacher.

Q What was his name? A Named Fred Martin.

Q Did your mother ever go back to Kansas after she moved down on Verdigris river as you stated about '69? A No, she didn't go back from Verdigris.

Q I mean did she ever go back to Kansas after that time? A Oh, yes, she has been xi back to Kansas.

Q When did she go back after that? A She went back in, it was '69 or '70, I don't remember.

Q Where did she go? A Chetopa.

Q How long did she remain up there at Chetopa at that time?

Q Not a great while, I don't think.

Q About the best of your judgment? A Well, she has been back there several times, she would go there and work, but I don't remember just how long she did stay.

Q As much as a year or two? A No sir, she didn't stay that long.

Q When did you and she finally settle down and locate in the Cherokee Nation and where? A I told you we moved up here on Grand river about '72.

Q Make a place up there? A Bought a little place up there.

Q You were married once in Kansas were you not? A Married twice in Kansas.

Q The second and third times? A Yes, sir.

Q When were you married in Kansas? A '97.

Q That was not the second time was it? A I married in '85.

Q Where were you married in Kansas? A In Marion County, Kansas

Q Where is that, how far from Kansas City? A About 175 or 200 miles by rail.

Q Did you marry a State raised woman? A Yes, sir.

Q What were you doing up there? A I went up there to work.

Q How long had you known your second wife before you married her?

A About four months.

Q Where did your wife die, second wife? A Died in Vinita.

Q How long had she been in Vinita when she died? A About a month.

Q When did she die? A Died in '91.

Q Now you married your third wife in Kansas? A Yes, sir.

Q What place? A Newton, Kansas.

Q How far is that from Marion? A About 25 or 30 miles west of Marion.

Q Your second wife was State-raised? A Yes, sir.

Q How long have you known her before you married her? A About a

year.

Q Is she alive? A Yes, sir.

Q When did you come back from Kansas this last time? A Come back in July.

Q This last July? A Yes, sir.

Q You don't know where you got provisions to eat there when your step-father went back to Kansas after the war? A That is the only place we could get them.

Q You had no neighbors around you to get anything to eat off? A No neighbors there.

Q No neighbors to work for? A No, sir.

Q What did you build your house out of, logs? A Logs, poles.

Q Covered it with poles? A Yes, sir.

Q One log house was it? A Yes, sir, one log roomed shanty.

Q Was there a road anywhere near you, big traveled road; how far were you from the old Military road? A The Military road run there towards Baxter; Baxter would be the nearest place.

Q And this old road that runs through this country up there.

A That would be pretty near east as high as I would know about it, I never traveled that old Military road only from along the line coming from Baxter Springs.

Q Have you any children of your last wife? A No, sir.

By Commissioner Brackinridge:

Q How many children you say your mother has by her husband, Peo?

A Four.

Q Where were they born? A In the Territory.

Q All of them born in the Territory? A Yes, sir.

Q Your wife, Mattie, you stated died in Kansas? A No, sir.

Q Where did she die? A Died in Vinita.

Q How long had she been in Vinita when she died? A About a month.

Q Had she been all her life up in Kansas before that? A No, sir.

Q How much of her time has she spent in Kansas after you married her? A Brought her down here in March, married her in November and brought her down here in March, the next March, '94.

Q Did she go back to Kansas after you married her? A She went back to visit her mother.

Q Did she spend much of her time in Kansas? A Two months.

Q Is that all the time she spent in Kansas during her married life to you? A Yes, sir.

Q Where is your present wife at this time? A She is in Kansas.

Q How long has she been in Kansas? A She went there last fall.

Q You spoke of coming from Kansas in July? A Yes, sir.

Q Have you been here ever since you came from there?

Q Until last February, I have got my children up there going to school.

Q How long had you been in Kansas until you came in July?

A Off and on ever since '95.

Q Do you keep a house up there? A Yes, sir, my wife lives there; she has got a home there and she makes her home there.

Q Where are your children now? A They are there going to school, I sent them up there last December.

Q Are you farming up there in Kansas? A No, sir.

Q What are you doing in the Territory; what business are you doing? A I work, me my own place, when I am here.

Q And when you don't do that what business are you engaged in?

A Working.

Q When you are not here where do you go? A To Kansas some time.

Q What kind of business do you follow up there? A Doing public work.

Q Is that the kind of business you do up there? A Opening stone quarries.

Q Have you ever been called upon to vote up there? A No, sir.

Q Have you ever voted for Congressman, President, or Governor?

A No, sir.

Q Never voted for any office at all? A No, sir.

Q Where is your mother at this time; on her place on the Territory?

A She is in Vinita sick.

Q What part of her time has she spent in Kansas, since the war closed? A Why she aint spent a great deal of it, I can't tell you how much.

Q Anything like half of her time? A No, sir, not one-fourth of it.

Q Have you spent as much as half of your time in Kansas since you first married there in 1883? A No, sir; after I married I moved my wife back, I went up there in the spring of '83 and staid until March and come back, that is in March, '84, and come back and remained here until '95.

Q Remained here all the time? A Yes, sir.

Q Didn't you get out of the Cherokee Nation at all? A Well I went up there to visit her mother once; stayed a month; about '95 I had reason for going.

Q Well, where have you lived since '95? A I have stepped there part of the time with my wife and the other time when I had a chance I come back down here, slipped around in here, I got into a little trouble.

Q Little difficulty? A Yes, sir.

Q When did you get out of that difficulty? A Aint never got out of it.

Q You were scouting from 1885 on were you? A Yes, sir.

Q Haven't you been in the Cherokee Nation all the time after the last July? A Up until February when I went out.

A Now from 1885 to the last July, were you up in Kansas all the time except when you would slip in? A Yes, sir, only when I would slip in.

Q Is there any other testimony you want to introduce? A Yes sir.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 29th day of May, 1901.

Signed, C. R. Breckinridge,

Commissioner.

Josh Vann et al - continued. May 23, 1901.

(Former portion taken by Stenog. J. O. Rosson.)

FILMORE HICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Filmore Hicks.

Q How old are you? A 53, I will be.

Q What is your postoffice? A Vinita.

Q In what district do you live? A Delaware.

Q How long have you lived in the Cherokee Nation? A I was born and raised in the Cherokee Nation.

Q Have you lived here all of your life? A Yes sir.

Q Do you know the applicant here, Josh Vann? A Yes, sir.

Q How long have you known him? A I have known him about thirty years I reckon, personally.

Q You know his mother? A Yes sir.

Q How long have you known her? A I have known her about the same time.

Com'r Breckinridge asks applicant if he wants to interrogate the witness, and says no, not now.

Examined by Cherokee Representative, W. V. Hastings.

Q Where has Josh Vann been living for the past 30 years? A I could not tell you where he had been all the time; he lived down there about Ten Yard Ford most of his time I think.

Q Where do you reside now? A I reside here in Vinita.

Q Where does Josh Vann live now? A I could not tell you where he lives now.

Q How many times has he been married? A I don't know.

Q Where was he married the last time? A I couldn't tell you.

Q You know that he is living in Kansas now and had a wife up there? A No sir, I don't know that.

Q Do you know that he is living in the Cherokee Nation? A No sir, I couldn't say, only I have seen him here.

Q When? A All this spring.

Q How about last year? A I never saw him last year.

Q How about the year before? A Well, I don't know that I saw him the year before.

Q Have you seen him since 1895 up to this spring? A Well, if I have I don't recollect.

ARTHUR BEAN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Arthur Bean.

Q How old are you? A 58.

Q What is your postoffice? A Vinita.

Q How long have you lived in the Cherokee Nation? A All my life time pretty much.

Q What part of your life have you been out of the Cherokee Nation? A I don't know what time; along in '62 or 3, I guess about then I was out.

Q You were never out except during the war? A No, sir, I was out then.

Q Are you acquainted with the applicant here, Josh Vann? A Yes sir.

Q How long have you been personally acquainted with him? A I have known him pretty much all of his life time.

Q Well, did you know him during the war? A No sir, I knowed him before the war; I didn't see him during the war.

Q You knew him before the war? A Yes sir.

Q Was he a slave in the Cherokee Nation when the war broke out? A Yes sir.

Q When did you first meet him after the war was over? A After the war was over I met him up on Russell Creek is the first time I met him after the war.

Q In what year was that? A That was in '65.

Q Don't Breckinridge, to applicant: Do you want to ask this man any questions in your own behalf?

Applicant: No, sir, not now.

Examined by Cherokee Representative, W. W. Hastings:

Q Art, what you a dispirited citizen? A Yes sir.

Q Your name is not on the roll of 1860? A No sir.

Q Where was the applicant, Josh Vann, living, - how was he living, was he living in a house when you first saw him after the war?

A Yes sir, kind of an old log house.

Q About how far from the Kansas line? A I don't know just how far that is, I think it is near about three miles if I mistake now.

Q Were you ever tried before the courts for anything? A Not in my life, I never was before no court but the Clifton court, that's about all the court I ever was tried in.

Q Who was with Josh Vann when you first saw him? A Aunt Muley, his mother, and two more children I knew.

Q What were their names? A Jess and Martha.

Q Was her husband with her? A Yes sir.

Q What was his name? A Named Jess.

Q Charley? A Yes sir.

Q About what time of the year was it you saw them? A Along about December I guess.

Q December of '66? A Yes sir, I guess along about, close on to Christmas.

Q You were coming down this way? A No sir, I was up in that country.

Q Just ~~when~~ went up to see them? A No sir, not particular to see them, I was up looking at that country, me and several of the boys.

Q Who was with you? A Me and Art Ryner and Sean, Joe Sean.

Q What were you doing up there? A Just looking at the country.

Q How far was that from where you lived? A Forty miles I guess, maybe further.

Q Did they have anything to eat up there? A I guess they did, they couldn't have stayed without something to eat.

Q Did you eat with them? A Yes sir, such as they had, and that wasn't very much in time times.

Q Had they made any crop up there? A No sir.

Q You don't know how long they had been there? A No sir.

Q Did they tell you how long they had been there? A No, sir, they didn't tell me anything about that.

Q You didn't ask anything about their past whereabouts? A No sir.

Q Didn't you go on up to Chatopa and trade then? A No sir.

Q Why didn't you; you were there near? A There wasn't any Chatopa in there.

Q You remember that from five years ago don't you Art? A What's that.

Q That there was no Chatopa in '66 there? A I never did say that.

Q After you were excused while ago you went out down there to that white tent yonder? A Yes sir.

Q You took Cap? A Not particular; he went there; I went there with him.

Q After consulting, you called Al Lynch, didn't you? A Yes sir.

Q And you all went around there to consult? A Yes sir.

Q What did you talk about? A Oh, that was our business.

Q Did you talk about this case? A No sir, that was our business around there, Mr. Hastings.

Q Did you talk about this case? A Not particular.

Q What did you say about it? A I don't have to tell my secrets you know.

Q You did talk, after you were dismissed and put under the rule, you got all three of you together and talked about this case? A Yes sir, we talked about it; you sent us off, and we have got the privilege to do as we please out there, you know, Mr. Hastings.

Q Did you all three agree that you had seen them in '66? A No, we made no agreements about that.

Q Did each of these witnesses there of his say you had seen these parties in '66? A We talked about the case, but we didn't say anything about no '66; I told them I knew Josh in his childhood and I knowed all of his folks.

Q And the rest of the boys knew the same thing? A One didn't know a thing about it, he belonged too—

Q Did he know him in '66? A That's what he said, I suppose.

Q He told you that out yonder a while ago? A He told that in here I guess.

Q Well he told you that out yonder? A Well I told you awhile ago I didn't have to tell my secrets; you are a secret order man ain't you?

Q Well, how long did Josh and his mother and step-father live on Russell Creek? A I couldn't tell you.

Q When did you next see them? A Down on the river, about '68.

Q About how many years after you saw them up there? A I don't know how many; not very many years.

Q Do you think it was the next year? A They went down below, I heard they went below, I don't know anything about that.

- Q When did Josh tell you that? A He never told me at all.
- Q Did he tell you that to-day? A He never told me that at all. I heard they went down about the old salt lick below.
- Q But you think it was about '68 when they came down to the river near you? A I guess it was about then.
- Q Aint you positive? A No.
- Q Why is it you are positive when you first saw them and you are not positive when you second saw them, and they lived right by you didn't they? A Well, I think it was '68.
- Q You think it was about 2 years afterwards? A Yes sir.
- Q To your best judgment? A Yes sir.
- Q They were neighbors to you in '68? A Yes sir.
- Q Has Josh been living there ever since? A Yes sir.
- Q You swear that? A Yes sir.
- Q Has he ever been married? A Yes sir.
- Q What was his first wife's name? A I don't know sir.
- Q Was she a state raised or a Cherokee? A I don't know; I know he had a woman there as his wife, I didn't make no inquiry about that.
- Q Was he married a second time? A Yes sir, I suppose he was that's what I hear.
- Q Where was he married? A I don't know where he was married the last time.
- Q Where do you live now? A I live on Grand river.
- Q Does Josh live down there by you? A He lived above me a ways.
- Q About how far? A I guess about eight miles, above where I live.
- Q You see him frequently? A Yes sir.
- Q What does he do down there? A I don't know sir, I guess he tried to farm like the rest of us.
- Q Did he make a crop this year? A I don't know sir, I haven't been up there.
- Q Did he make one there last year? A I couldn't tell you, I don't think he did.
- Q Did he make one there the year before? A I couldn't tell you that either, Josh was out awhile.
- Q When did he go out? A Oh it has been I guess a year or two ago.
- Q Now give us your best judgment as to when he went out, if he did go? A I am giving it to you, best I know.
- Q You think it was about two years ago? A Yes sir, he got into some trouble, that's about as near as I can get at it.
- Q About two years ago? A Yes sir.
- Q To your best judgment how long was he gone? A I don't know just how long he was gone; it slipped my remembrance how long Josh was out.
- Q When did he come back? A I think it was along sometime about July, if I make no mistake.
- Q That he came back? A Yes sir.
- Q Been here ever since? A Yes sir.
- Q You swear that? A Yes sir, I have saw him frequently ever since.
- Q Is he married now? A Yes sir, I suppose he is, I heard he was.
- Q Where is his wife? A I don't know sir.
- Q You haven't seen her? A No sir, I just hear he was married.
- Q You don't know where he was married? A No sir.
- Q You didn't hear he was married in '68 up in Newton, Kansas? A No sir, I made no inquiry.
- Q I didn't know he had been up in Kansas six years out of here? A No sir.
- Q Did all of these people that you mention go up in Kansas at that time, in '68? A No and George Eaton and amongst us.
- Q Did these people have any horses at that time? A They had a little pony team.
- Q That's all you saw? A Yes sir.
- Q No more? A No sir, I couldn't say no more.

Q. Al Lynch wasn't with you when you went up there at that time?

A. No sir.

Q. Cap Hicks wasn't with you? A. No sir.

Com'r Breckinridge, to applicant: Any questions now that you want to ask in your own behalf? Applicant: No sir.

ALLEN LYNCH, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q. Give me your full name? A. Allen Lynch

Q. How old are you? A. I am 61 years old.

Q. What is your postoffice? A. Vinita.

Q. How long have you lived in the Cherokee Nation? A. Well, about all my life.

Q. Are you acquainted with the applicant here, Josh Vann? A. Yes sir.

Q. How long have you known him? A. I have known him ever since a little boy.

Q. Did you know him before the war broke out? A. Yes sir.

Q. Have you known him ever since? A. Yes sir.

Com'r to applicant: Any questions you want to ask Allen Lynch in your own behalf? Applicant: No sir.

Examined by Cherokee Representative, W. W. Hastings:
Hastings: I don't care to ask him any questions.

Com'r Breckinridge, to applicant: Any particular point you want your witness to testify on?

Applicant: Yes sir, I would like to know, - what I have introduced the witness for was to prove when I returned back to this country.

Com'r: You want to interrogate him yourself? A. No sir.

Com'r Examined witness:

Q. Where was Josh Vann during the war? A. In Kansas.

Q. Did you see him up there? A. No sir, I never see him in Kansas; I saw him when they went there.

Q. When they were going there you saw them? A. Yes sir.

Q. Where did you first see him after the war closed? A. Saw him up here on Russell Creek.

Q. How far was that from the Kansas line? A. Well, judge I don't know exactly where the Kansas line was then, but it is about six or seven miles south of Chetopa now.

Q. When was it you saw him there? A. I saw him there along in August or September, in '88; I couldn't tell you just exactly the time.

Q. Were you living up there yourself at that time? A. No sir.

Q. What was the occasion of your being there? A. I went up there to drive some cattle for a man, some steers that a white man came and traded to Bill Foreman, traded some tin-ware, and he got me to drive the cattle.

Q. Was anybody along with you? A. Oh yes, me and this man and two white men.

Q. That was the party? A. Yes sir.

Q. How did you happen to meet this man Josh Vann? A. We went up there and I went to the house, and there I found him. I stopped there as I was coming on home.

Q. What do you know about him since that time? A. I know he has been around here in the country.

Q. Where did you next see him after that time? A. I don't know next time I saw him whether I saw him on Grand river or whether I saw him at Chetopa after Chetopa was made. I don't know exactly.

Q. What can you say as a definite character about having seen him since that first meeting that he told you? What do you think

of where he has lived? A He lived with me three or four years and lived right there in the neighborhood.

Q When was that? A I can't tell you just exactly the time, but him and his family, it was, he had that Mattie, they lived there on my place.

Q That accounts for four years; can you mention any other period that you have personal knowledge of him in? A He has been here ever since that on until he got into this trouble, and I don't know where he went.

Q Was he living with you? A No sir, he was right around in the neighborhood until he had that trouble.

Q Where was he staying in the neighborhood? A Right there in the neighborhood where his mother is living now.

Q Was he staying on a place of his own? A On his mother's place.

Q Has he ever had a place of his own, or always lived with his mother? A I think he has always lived with his mother only when he lived with me and with Tobe Lynch awhile.

Q You don't know how far back he lived with you? A It must have been 13 or 14 years; it has been about two years since he left my place I guess.

Q And since that he has lived at his mother's place? A Yes sir.

Q All the time? A No, he has been gone two or three years.

Q Well but down to this absence that took place of late years?

A Yes sir; he may have lived in town a year; I don't know; his wife died here in town.

Q How far is his mother's place from where you live? A About three miles.

Q How did he make his home continuously at his mother's place from the time he left your place until he went on that stay some years ago? A No sir, I think he lived with Tobe Lynch 2 years.

Q So he lived with his mother with that exception did he? A Yes sir. To the best of my knowledge about it.

Q How many times has he been married? A I think he has been married three times; I know, three times.

Q Did you ever see his first wife? A Yes sir.

Q Did you ever see his present wife? A Yes sir.

Q Where did you see her? A I hauled her out there here about two months ago, out there to his mother's, it must have been in three months, maybe, or two months, somewhere along there; it has been two or three or four months ago.

Q Where is she now, do you know? A No sir.

Examined by Charles K. Representative, W. W. Hastings:

Q All, how far did you live from Josh when the war come up?

A Well, it must have been 16 miles, maybe further than that.

Q About how old was he when the war come up? A I don't think Josh was over 6 or 7 years old.

Q You remember seeing him when you stopped up on Russell Creek with his mother? A Yes sir.

Q You were driving some cattle at that time? A I drove a yoke of cattle up there.

Q Just one yoke? A Yes sir.

Q For whom? A The man was named Davis, and he got the cattle from Bill Foreman.

Q Where did you drive the cattle to? A I went up as far as Labette and then I returned back; I went up with them men and I come back alone.

Q Did you see anything of these people as you went up? A I don't remember; no, I don't know whether I stayed all night there then going or whether it was coming; but I stayed all night with them.

Q How long had they been there? A Well, I don't know, Mr. Hastings, how long they had been there.

Q You know from your conversation, you talked over all times didn't they tell you anything about their past history? Of where their where-

about? A Well, we talked over about how come them there. I don't know whether I asked them how long they had been there or not.

Q Had a log house did they? A Had a little log cabin.

Q How long did it appear to have been built? A Not very long; had little clapboards on it, new.

Q Had they made a little patch of ground there that year? A No sir, none at all.

Q Have any neighbors around near them? A No sir, not that I know of: my nearest neighbors where I lived was down on Cabin Creek; them is the only folks I saw up there on down here.

Q From your folks up to Kansas that was the only house you passed?

A Yes sir, that was the only house.

Q Was it on the big road? A There wasn't any road up there.

Q Just through the prairie? A Yes sir, prairie.

Q How did you happen to discover this place? A Well, we crossed the creek two or three hundred yards, as far as I can recollect from where they had this house: after I saw them up there I was down here about a month after that and there come men from Garnett Kansas down here and they was hunting a couple of pair of mules and they said Charley Pee and Charley Blackwell stole them mules and had run off down here somewhere, and they come in there I suppose to hide from the officers; that's all a pretense, I never asked them about it.

Q How long after you saw them there until you saw them down here near your place, on Grand river? A I couldn't tell you, it must have been along in '87 or '88, something along there when they moved down in the bottom there, I couldn't tell you exactly.

Q That was on Grand river? A Yes sir.

Q And near where they live now? A Yes sir, I think it must be two miles, or three, from where they first stopped, there are about three miles above now.

Q That was within a year, and at the most, within two years, you think, after you saw them up there? A I don't know whether it was that early or not.

Q Well, about how long after you saw them up there until you saw them on Grand river? A Why I just couldn't tell you when they moved up there.

Q How many children did Mrs. Pee have at that time? A Had three.

Q She had no children by her last husband, Charley? A If she did I don't remember it; not then, no sir.

Q What three children did she have? A She had Jess and Jess and Martha.

Q After you were excused awhile ago you and Cap and Art had a conference about this case didn't you? A No, we never said anything about this case.

Q Never talked about it at all? A No sir, I never talked to anybody.

Q Didn't Art and Cap go behind that little white tent yonder and after talking the matter over call you around there? A They called me around there, but they was asking me about something else.

Q They wasn't talking about this case? A Not about this case; they never asked me about it, something else.

Q You never said anything about the case? A Not that I remember, we were talking about Joe B an's case.

Q Well you would have remembered it, it was only a few minutes ago, if anything was said you would have known it now? A Yes sir.

Q Didn't Cap and Art say when they saw this family up there?

A No, Art didn't say anything about when he saw them; Cap told me in town when he saw them.

Q When did he tell you? A He told me he saw them in October or September, '87, when he was herding cattle.

Q You never saw the Frett house up there when you herded?

A He never had no house up there.

Q You never saw Albert Morris' coal mine there? A He never had no

could mine there then.

Q It wasn't there in '66? A It was there but it hadn't been developed.

Q You know where Josh married the last time? A He married in Kansas I think; that's what his wife told me.

Q She lived up there yet? A She is up there now.

Q She has lived there all the time hasn't she, since she married?

A Only when she come and stayed across the river as I told you.

Q How long did she stay there? A I don't know; it must have been 3 months, maybe longer.

Q You know where Charley Pee and his family got anything to eat up there on Russell Creek? A They may have got it like the balance of us; we stole it when we got it.

Q Was there anybody to steal from? A Yes sir, we had lots of cattle and hogs and rabbits and onions.

Q What did you eat when you were up there? A I eat some beef and I eat some corn bread, and was glad to get that.

Q They didn't tell you what they were doing for a living? A No sir.

APPLICANT, JOSH VANN, re-called, and further examined;
By Commissioner Breckinridge:

Q Josh Vann, when you were scouting for several years from the Cherokee Nation, now what was the trouble with you? A Why I got into a little scrape down here at town, there was a fellow got killed, and they accused me of it.

Q Accused you of killing him? A Yes sir.

Q Is that the only matter you have ever been accused of? A That's the only one I have scouted from.

Q Have you ever been up before the courts for any offence or charges? A Yes sir.

Q What? A Tried for whiskey and assault and attempt.

Q You have been in prison? A Sent to prison you mean and convicted?

Q Yes? A No sir, I never was convicted or nothing; I have been indicted in Delaware District court.

Q Many times? A Once only.

Q Have you any more testimony you want to introduce? A Yes sir, after you get nearer to where it is I do.

Q But this is all at the present time? A Yes sir.

Examined by Cherokee Representative, W. W. Hastings:

Q Except for this sickness is your mother fairly strong?

A No sir.

Q Does she do her own work? A No sir.

Q Has she been confined to her bed or room? A No, she is not really confined to her bed, but she had - I don't know whether it is bright disease or what it is; if she gets a little bit warm she can't get her breath.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and four children, and for his mother, who he states is old and infirm and unable to apply for herself;

The applicant is identified on the Wallace and Kame-Olinton rolls, but not upon the roll of 1866 or upon that of 1896; his father, who is deceased, is not identified upon the roll of 1866, and his mother, who is living, is identified on the Kame-Olinton roll, but upon none other;

The applicant claims to have come to the Cherokee Nation within the time prescribed by the Treaty of 1866, and he has introduced considerably testimony upon that point; it appears from the testimony of one or more of the applicant's witnesses that since they were put under oath they have conferred together about this case, and attention should be directed to that

point; it further appears that for the past five years the applicant has been, until at least July last, a fugitive from justice, and has been living in the State of Kansas, according to his own testimony, constantly, except when he would come into the Cherokee Nation secretly; it does not appear that he had been engaged in business in the Cherokee Nation except upon his mother's farm; he has been married three times, and his present wife, whom he married in Kansas, is living there at this time, with the children, who he states are there attending school; his second wife he married in the State of Kansas, but he states that she lived almost exclusively in the Cherokee Nation, and died in the Cherokee Nation; he married that wife in the year 1885, and she died in the year 1891; under these conditions, and referring to the testimony generally, the applicant will now be listed as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address.

As for his present wife, it appears that she was married once before, but her former husband was dead when she contracted the present marriage to the applicant, and the applicant was married twice before, but his two former wives were dead when he contracted his present marriage; there is some personal testimony establishing the marriage in addition to that of the applicant, but his wife is a state woman, he married her in the State of Kansas, and in the year 1897; so that under the conditions stated it is apparent that she is not entitled to enrollment at this time, and the application for her enrollment is rejected.

As for the four children named in the testimony, they are all four said to be living at this time; they are miners, and are identified on the Kerns-Clifton roll; it seems that these children were all born in the Cherokee Nation; they are all children of the applicant's second wife, Mattie Smith, of the legality of whose marriage to the applicant there does not at this time appear any question; these children will now be listed for enrollment as Cherokee Freedmen on a doubtful card; their mother, apparently lawfully married to their father, possessed no rights of her own, she being a state woman.

As for the applicant's mother, she is identified on the Kerns-Clifton roll, but not upon the roll of 1880 or 1896, and not satisfactorily identified upon the Wallace roll; so far as the evidence adduced goes, her right to enrollment appears to depend upon the period of her return from the State of Kansas, and of course her not being upon the roll of 1880 or upon that of 1896 indicated that she was not admitted to enrollment for some material reason; the testimony is to the effect that she returned to the Cherokee Nation at the time her son did; it is not disputed that she was a slave of the Cherokee Nation at the time the war broke out, and a slave of a Cherokee citizen; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her postoffice address, and as regards the other applications, namely, those for the applicant and his children, the final decision will be made known to him at his postoffice address.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this May 26, 1901.

Signed, G. B. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., June 18th, 1901.

SUPPLEMENTAL TESTIMONY in the case of Josh Vann, Cherokee Freed-
man, D-418.

Mellette & Smith, attorneys for applicant-
James Davenport attorney for the Cherokee Nation

HARRY STILL called and sworn by Commissioner T. B. Needles as
a witness for the applicant, testified as follows:

By Mr. Mellette-

Q What is your name? A Harry Still.

Q What is your age? A 54.

Q Where do you live? A Hayden.

Q In what Nation? A Cherokee Nation.

Q Do you know the applicant here? A Yes sir.

Q Did you know his mother? Known as Susan Pee? A Yes sir I do.

Q Did you know her husband Charley Pee? A Yes sir.

Q Do you know when his mother Susan Pee, or Vann, returned to the
Cherokee Nation after the war? A Yes sir.

Q When? A When I got acquainted with Charles -- when I found Char-
les it was about the first part -- the first time I ever saw him was in
the fall a little before Christmas of '66, on Russell creek.

Q In what Nation? A Cherokee Nation.

Q You say that was in the fall of '66? A Yes sir a little before
Christmas, in the last part of '68.

Q Where was Susan Pee? A She was there too.

Q And she is the mother of this applicant? A Yes sir.

Q Do you remember if this applicant was a child then or not? A Yes
sir a boy.

Q Was he along there at that time? A Yes sir, she had three chil-
dren at that time.

Q And this was one of them? A Yes, sir, Jess, Josh and Martha
was her three children then.

Q Now since that time have you know this applicant in the Cherokee
Nation? A Yes sir, I am the man that moved them away from there.

Q Moved who? A This man here and his mother and brothers and
sisters.

Q Moved them from where? A On Russell creek.

Q From where you first saw them? A Yes sir.

Q Where did you move them to? A Timber Hill, the one near the
Creek line.

Q Is there two Timber Hills in the Cherokee Nation? A There is
3 or 4 of them.

Q How long was it after the war that you moved them to Timber Hill?

A In '69 I think it was.

By Davenport:

Q When did you first think of the fact that you saw them in '66?

A I have been thinking of it all the time.

Q You didn't testify in her case in at Vinita? A No sir they
never asked me to.

Q They applied there? A Yes sir.

Q You were there all the time? A No sir only one day.

Q You didn't see Susan Pee there did you? A Yes sir.

Q Was Josh there? A Yes sir.

Q You didn't talk about what you knew in their case until you came
here? A Yes I did.

Q They applied there and then came here and asked you to testify
for them? A I ~~asked~~ didn't know that Josh had applied there.

Q You have been here all the time with the commission haven't you?
A Most of the time.

- Q You didn't know where this Pee family went to during the war?
A No sir.
- Q Did you know anything about them when they was living at Mapleton after the war? A No sir.
- Q Do you know anything about them living at Chetopa after the war?
A No sir.
- Q You just happened to see them up on Russell Creek did you? A No sir I didn't just happen to see them, I went up there to bury Aunt Nancy that died at Timber Hill and found them.
- Q You also found the Robinson family there then? A Yes sir.
- Q You found almost every colored family in that part of the Cherokee Nation when you went to bury your aunt Nancy didn't you? A No sir, but I had as good a chance to meet up with some of them there as Jess Cochran had to meet up with the people he testified about.
- Q And you are patterning after Jess Cochran are you? A No sir I am not, I am telling you what I saw and what I know and nothing else, that I saw and what I know.
- Q Nancy Pee is not on the 1880 roll is she? A No sir, and I know the reason why, she has been here all the time and applied to be enrolled and they wouldn't let her.
- Q You were present when she applied were you? A Yes sir.
- Q You remember the time that she applied and that they wouldn't let her go on? A They wouldn't let her prove it at all, they wouldn't let her have the chance, they wouldn't let anybody have the chance.
- Q Who was taking the proof at that time? A Chambers and Dr. Miller.
- Q And you know that Buckle Pee tried to apply and they wouldn't let her? A Yes sir and about 400 others.
- Q They let you did't they? A No sir not at first, they tried to make me come back home too, but I aint the kind to let them run me off and I just up and told them they must try me and they did.
- Q You made the court try you did you? A Yes sir, I told Daniels that I lived 100 miles from here and that I wasn't going home, that he had to let me have a chance to prove whether I had a right or not, that I wanted to know what they was going to do in my case.
- Q And you are the only one the let prove his rights are you?
A Yes sir the only one at that time.
- Q When was that? A Just after the war.
- Q What year? A I showed you my certificate.
- Q That was in 1870; was you the only negro that they admitted in 1870 or '71? A Only one at that time.
- Q What time of the year was that? A Sometime in the summer.
- Q Was it in July? A Yes sir I think it was.
- Q Dont you know that the Webbers was admitted in July of '70 or '71?
A No sir they got scared and come back.
- Q Didn't Sam Webber apply the firsttime that he went there to apply?
A No sir I don't think he did.

APPLICANT, JOHN VANN, called and sworn, and examined by Mr. Mellette:

- Q Were you ever indicted by the Cherokee courts? A —
Mr. Davenport: "I object to this question because if he was the record thereof is the best evidence and should be introduced if it can be found."

By Com'r Needles: "Let it go in for what it is worth."

By Mellette of applicant—

- Q Were you? A Yes sir.
- Q For what? A Assault and battery.
- Q On who? A Bart Lynch.
- Q Did you have a brother that they called John Davis? A Yes sir.
- Q Where was he born? A On Grand river in Delaware district.
- Q Since the war? A Yes sir.

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Q Was he the son of your mother Susan? A Yes sir.
Q Was this man Bert Lynch whom you were charged with assaulting
a Cherokee citizen? A --

Objected to by Mr. Davenport.

By Gen'l Needles- Let it go for what it is worth.

By Mellette-

Q Was he? A I understood so.

Q Did you know Hyra Halfmoon? A Yes sir.

Q Were you ever indicted for an assault on him? A Yes sir.

Q Where were you taken? A To Fort Smith.

Q To the United States Court? A Yes sir.

Q What became of that case? A --

Objected to by Mr. Davenport because the record is the best
evidence and should be obtained if possible.

(No ruling by commission)

By Mellette of applicant-

Q What became of it? A The jury turned me loose on the ground
that they had no jurisdiction.

By Davenport of applicant;

Q You say the jury turned you loose on jurisdiction? A Yes sir, and
the verdict read "We the jury find that the court has no jurisdiction
because both the parties are Cherokee citizens."

By Mr. Davenport: The representatives of the Cherokee
Nation object to the introduction of the indictment, verdict
and judgment or any part of the record of the trial of Josh
Vann or Pee at Fort Smith Arkansas at the United States court
at that place, for the reason that no action of that court in
disposing of that case would not tend to establish the rights
of this applicant as to Cherokee citizenship, and the Cherokee
Nation would not be bound thereby, and it would therefore
be incompetent and immaterial.

Chas. von Weise, being sworn states that as stenographer to the
Commission to the Five Civilized Tribes he reported in full all the
proceedings in the above cause, and that the foregoing is a full,
true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 28th of June, 1901 at
Nowata, I. T.

Signed, F. B. Needles,
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he copied the foregoing,
and that the same is a true and correct copy from the originals.

Sworn to and subscribed before me this the 26th of August, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 10, 1901.

In the matter of the application of Mary Cordelia Lane for the enrollment of herself and six children as Cherokee Freedmen.

Mary Cordelia Lane, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Delia Lane.
Q How old are you? A About 30 I reckon.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware I guess.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Me and my six children.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Rouben Lane.
Q Is he a citizen? A Yes, sir.
Q Where is he? A He is here on Pryor Creek, somewhere.
Q Are you living with him now? A No, sir.
Q What was your father's name? A Charlie Pee.
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Susan Pee.
Q Is your name on the roll of 1890? A No, sir, I don't think it is.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace roll.
Q Has your mother been enrolled? A I don't know sir, I think she has at Vinita.
Q Give me the names of your children? A Myrtle Martin.
Q How old is Myrtle Martin? A She is about 10.
Q What is the next one? A Jessie Martin.
Q How old is she? A She is about 12 or 13.
Q The next one? A Susan Martin.
Q How old is Susan? A She is about 10 years, as near as I can recollect.
Q Well, the next one? A Ora Martin.
Q How old is Ora? A She is about 8 I guess.
Q Well, the next one? A Well, the next one is Millie Lane.
Q How old is Millie Lane? A She is about 3 or 4.
Q What is the name of the next one? A Inez Lee Downing.
Q How old is Inez Lee Downing? A She is about 15 months old.
Q What is the name of the next one? A That is all.
Q Were you ever married before you married Lane? A Yes, sir.
Q Who to? A Gobe Martin.
Q Is he living? A No, sir, he is dead.
Q After his death you married Lane? A Yes, sir.
Q Are you and Lane separated now? A Yes, sir.
Q And since the separation you have had this youngest child?
A Yes, sir.
Q You are laying it to Downing? A I guess I am, that is who I said.
Q What is Downing saying about it? A I haven't asked him about it, he isn't saying anything.
Q Where were you born? A I don't know where I was born.
Q Where can you first recollect of being at? A On Grand River.
Q In the Cherokee Nation? A Yes, sir.
Q You lived there all your life? A Yes, sir.
Q Never lived outside? A No, sir.
Q These children all living at this time? A Yes, sir.
Q Who do you claim your citizenship through, father or mother?
A My mother.
Q And your mother has been listed for enrollment, has she? A I think she had.

Mary O. Lane - 2.

- Q You don't know where you were born? A No, sir, I don't.
Q Never heard? A Yes, sir, I heard; down here on Grand river.
Q Did you hear you were born in Kansas or the Cherokee Nation?
A Cherokee Nation.
Q Never heard you were born in Kansas? A No, sir, I didn't.
Q The first place you can recollect is the Cherokee Nation? A Yes, sir.
Q You have got a brother named Josh Downing? A Josh Vann.
Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
Q Josh Vann is Johnson Vann's son? A Yes, sir.
Q How did your name happen to be Mary? A Well, it is named Mary Cordelia.
Q Well now what is your proper name? A My proper name is Mary Cordelia Poe.
Q Why didn't you say so when I asked you your name? A I told you Della Martin.
Q Did you draw for this child? A Yes, sir.
The Kern-Clifton roll examined and the applicants identified thereon as follows:
Mary O. Lane on page 119, No. 2959, Delaware district, as Mary Martin;
Myrtle Martin on page 118, No. 2960, Delaware district;
Jessie Martin on page 119, No. 2961, Delaware district, as Jesse Martin;
Susie Martin on page 159, No. 3951, Delaware district;
Ora Martin on page 159, No. 3952, Coowasecoochee district, as Orie Martin.
Q Do you know John Martin? A No, sir.

Commissioner: Mary Cordelia Lane applies for the enrollment of herself and five children, to-wit, Myrtle Martin, Jessie Martin, Susan Martin, Ora Martin, Millie Lane, and Inez Lee Downing. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. She and her four oldest children are duly identified upon the Kern-Clifton Roll. Her two youngest children do not appear upon any roll, and it will be necessary for her to make satisfactory proof as to their births. She avers that she is the sister of Josh Vann, who was enrolled on B card 415, and that she was first married to one Toke Martin, and after the death of Toke Martin, she married one Reuben Lane, from whom she is now separated, and her child, Millie, is the child of said Reuben Lane. Since her separation from said Lane she avers that she has had one child named Inez Lee Downing, 18 months of age. She is separated from her husband Lane, but makes no proof of divorce, but it is not necessary. Reference is made to the testimony taken in the case of her brother, Josh Vann, B card 415, and copies of said testimony will be filed with the testimony on being taken, and made part of the record. She will be notified by mail of the decision of the Commission as to her enrollment when said decision is arrived at.

Mary G. Lane - 3.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 10th of June, 1901.

[Signature]
Commissioner.

SUPPLEMENTAL: C.F. D-415.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 12, 1901.

In the matter of the application of Josh Vann et al., for enrollment as Cherokee Freedmen.

Appearances:

Mr. Mellette, of Mellette & Smith, attorneys for appl'ts;
Mr. J. S. Davenport, of attorneys for Cherokee Nation.

TESTIMONY TAKEN ON BEHALF OF CHEROKEE NATION.

GEORGE WALKER, being sworn and examined testified as follows:
BY MR. DAVENPORT:

- Q What is your name? A George Walker.
Q Where do you live, Mr. Walker? A I live on Cabin Creek.
Q What is your post-office? A Kennison, I. T.
Q How old are you? A About 71.
Q How long have you lived in the Cherokee Nation? A All my life pretty near it.
Q How long have you lived up in between here and Chetopa, Kansas, up in that neighborhood where you now live? A I moved to where I now live in the fall of '86.
Q You had been living before you moved to where you now live up right close to Chetopa; you know the Creek up there they call Russell Creek? A Yes sir.
Q How how far is it from Chetopa, Kansas, down in the Territory? A It is about three miles, or a little over maybe.
Q Were you around there during the year of '66 and '67? A Often and on.
Q You lived near Chetopa did you during the year '66 until you moved over to where you live now? A Yes sir.
Q Was there any houses along that Russell Creek built along there in '66 that you remember of? A Trott built one there in '66.
Q Old man Trott? A Yes sir.
Q That's the father of W. L. Trott and Ose Trott? A Yes sir.
Q Was there any colored families built along there on that Creek during that year? A Not that I know of.
Q Well did you see any there? A No sir.
Q Did you ever know a colored family named Pee or Vann, Sukey Pee and her family? A No sir.
Q Did you ever know Josh Vann? A No sir.
Q When did you ever see them in that country, if at all? A I don't know that I know them.
BY MR. MELLETT:
Q How long is Russell Creek, Mr. Walker? A Well it is about, as near as I could tell it is about 5 or 6 miles.
Q Five or six miles long? A Yes sir.
Q Where does it enter the Indian Territory, is it here in the Indian Territory? A It is all together.
Q How? A It is not in the State at all.
Q What? A There is none of it in the State.
Q It is all in the Territory? A Yes sir.
Q What does it empty into? A It empties into the Neosho.
Q Whereabouts? A Well about something near two miles from where Trott lived.
Q Were you ever at its mouth? A Yes sir.
Q When? A Trott's house you mean?
Q No, were you ever at the mouth of Russell Creek? A Oh yes, often.
Q When? A I used to fish there.
Q How when did you move into that country? A On Cabin Creek?
Q Yes? A Well in '66 I moved there.

Josh Vann et al (exh 1) 2

Q The fall of '66? A Yes sir.

Q How far is that from Russell Creek? A Well it is about, something near 8 or 10 miles, right about anyway.

Q Do you pretend to have located everybody that lived in around that country 8 or 10 miles from you? A There was nobody living there.

Q How do you know? A I have been around that Creek often.

Q You swear that nobody lived in that country in '66? A Trott lived there.

Q Anybody else? A Then there was another house, it was built afterwards up the Creek, a little cabin, Oliver Morris built it.

Q I don't care whether there was farms or not, but do you know whether or not there were anybody camped around in that country? A No I don't.

Q You don't know whether they were there or not do you? A No.

Q Now you located up there where you live in the fall of '66? Yes sir.

Q That is, I couldn't tell you exactly what time; it was in the fall, toward winter.

Q Do you swear that those people were not living on Russell Creek during that winter? A No, I swear I never saw them.

Q But you don't know whether they were there or not? A No sir.

BY MR. DAYENFORD:

Q As I understood you while ago you said you were living near Chatopa on Russell Creek when you moved to Cabin Creek? A Yes, I was living right joining Chatopa.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this November 15, 1901.

J. C. Starr
Notary Public.

W. L. TROTT, being first duly sworn by the Commission testified as follows: (on the part of the Cherokee Nation)
(By Davenport)

Q What is your name? A W. L. Trott.

Q What is your age? A 57.

Q What is your post office address? A Vinita.

Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation, well since the spring of '66 since the war, I lived here before the war too.

Q During the year '66, where were you? A During the year '66 I was on Russell creek in the Cherokee Nation.

Q How far from where Chatopa now is? A Three miles.

Q What were you doing there that year? A Living there improving me place.

Q You were living with your father that year were you not? A Yes sir.

Q Who owns that place now, the one you improved that year? A I don't know.

Q How long did you stay there on that place? A Came there in the spring of 1866 and moved away in the fall of '66.

Q When you went there were there any houses along on Russell creek? A No sir.

Q When you left there were there any houses other than the one you and your father built? A No sir.

Q How long is Russell creek, how far is it from there it comes into the Territory to where it empties into the river? A I don't know exactly.

Q Where the head of Russell creek is, but I think it is about six or eight miles from the head to the mouth.

Q Do you know Josh Vann? A I do not.

Q Do you know Shockey Pea, his mother, or a woman that goes by that name? A No sir.

Q Was there any colored people living there on that creek, along Russell creek in the Cherokee Nation when you lived there in '66? A No sir there was no one there except our family of that colored or white.

Q You were the only family, colored, white or Indians that lived on that creek then? A Yes sir. (By the Commission)

Q You moved on Russell creek in the spring of '66 and lived there until the fall of '66? A Yes sir.

Q You don't know if any colored people stopped there in the fall of '66 and staid there until the winter of '66 and '7? A No sir I can't tell you what happened after I left there.

J. C. TROTT, being first duly sworn by the Commission testified as follows on the part of the Cherokee Nation-

(By Davenport)

Q What is your name? A J. C. Trott.

Q Where do you live? A Here in Vinita.

Q How old are you? A 62.

Q How long have you lived in the Cherokee Nation? A Ever since '66.

Q Where did you live in the Cherokee Nation in '66? A On Russell creek.

Q What other family lived there on Russell creek in '66 except your family? A I don't know of anyone.

Q Were you in and down that creek any? A Yes sir.

Q What other houses were there then? A None.

Q When did you leave that section of the creek? A In the fall of '66.

Q Were there any colored people there in the fall of '66? A No sir.

Q Did you make any improvements there? A Built a house.

Q What became of it? A Sold it, in the fall and moved away.

Q Who did you sell it to? A I thought it was Denney, but some say Glenn is his name.

Q Have you been there since? A No sir.

Q Do you know of anyone else living on that place up there since you sold it out and left? A I know of this Danner or Glona.

Q Any one else? A No sir, I haven't been acquainted around there since I left.

Q Do you know Josh Vann? A I know him when I see him.

Q Did you know his mother? A No sir.

Q Did you ever see Josh Vann living up there? A No sir.

(By Mellette.)

You left Russell creek in the fall of '66? A Yes sir.

Q You don't know what colored people were there after you left? A No sir.

Q You don't know who was there in the fall and winter of '66 and '67?

A No sir.

LOUISA STINGER being first duly sworn by the Court she testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Louisa Stinger.

Q How old are you? A I will be 22 on the 22nd of next May, will be 58 years old.

Q What is your post office? A Edin, Kansas.

Q How long have you lived in the Cherokee Nation? A Born and raised here.

Q What was your maiden name? A Morris.

Q Did you ever live on and about Russell creek, near Cherokee? A Yes sir.

Q Did your parents live up there? A No sir.

Q What year did you move into that neighborhood? A Well, I can't hardly tell the year, somewhere about '67.

Q What place did you move to when you moved there? A The old Glenn place we bought it from him.

Q Who originally made the place? A They claimed Mr. Frost made it.

Q How old were you when you moved there? A I was about 17 or 18 years old, I was married and had one child.

Q When you moved to the Glenn place there on Russell creek what other families lived there? A A man named Tom Fields lived there close to the creek is all.

Q Was there any colored family there? A No sir.

Q Do you know Shockey Post or Josh Vann nor aunt? A I see her, not personally acquainted with her.

Q Did you see her on Russell creek then? A No sir.

Q Did you ever know her to live there? A Yes sir a couple of years after I moved in there.

Q About what year do you think she moved in there? A Well, I can't tell you the year.

Q She moved in there some time after you moved there? A Yes sir.

Q Did she build a house there? A I don't think so.

Q About how far were they living from you? A Half a mile northwest of where I live.

(By Mellette)

Q Mrs. Stinger, you don't mean to say that there was nobody else living there when you went there on that creek in '67? A Yes there were some families living there then but she was not there.

Q Did you go up and down that creek to see who was living on it? A I lived there and know.

Q And you can say positively that there were no colored people camped there around that creek anywhere? A To the best of my knowledge there wasn't any there.

Q You said a while ago that you could not tell the year exactly when you moved there, now you don't know if you moved there or not do you? A I don't know just what year, I can't tell the year and can't keep track of the years.

Q Now are you 22, 23, 24, 25, or 26? A I am 22 years old.

Q Now that you know and can tell you all about it.

Q You dont know if these people were camped somewhere on that creek or not do you? A Well I know I used to go up and down the creek hunting for wild unions and if they had been there I would have seen them.

Q Russell creek is six miles long isn't it? A No longer than that I guess.

Q How long do you think it is? A Over six miles I think.

Q How long do you think it is? A Seven miles I guess to the head.

Q Did you hunt wild unions from the head to the mouth? A No sir.

Q Then these people might have been there and you not see them? A There are others that never saw them there.

Q Is that the reason you say they were not there? A As far as I am concerned they were not there, I never saw them.

Q And you swear they were not there? A Not to my knowing.

Q You think colored people could not have been camped there and you not know it? A Yes they might have been in a hollow log or something like that and we not know it.

Q How far out from the creek did you go hunting unions? A On the bank of the creek.

Q Suppose that they were camped half a mile from the creek, could you have seen them? A I might have.

Q All that country is called Russell creek for a mile or so away from the creek isn't it? A No sir, I dont think it is.

Q If you say a man lived on Russell creek, how far does he have to live from the creek? A Right on the banks of the creek.

Q Then if a man lived half a mile from the creek is is not living on Russell creek according to your idea? A No sir.

Q You say these people came there after you did? A Yes sir.

Q Where did you see them? A Half a mile from where I lived.

Q Where were they living? A In a shanty there.

Q How long after you came there did you see them? A Two years after I came there.

Q What year was that? A (No response)

Q How do you know it was two years? A To the best of my knowledge it was two years.

Q That is an opinion of yours? A I was living there two years before they came; I dont know the dates of the years and I can't answer that question, if I could I would.

Q You dont read or write and dont know the dates? A No sir, but I know one year from another.

(By Davenport)

Q You knew it was some time after you came there that they came there? A Yes sir.

WILLIAM H. NOBLE, being first duly sworn by the Commission, testified as follows for the Cherokee Nation:

(By Davenport)

Q What is your name? A William H. Noble.

Q What is your age? A 51.

Q What is your nat office? A Edna, Kansas.

Q How long have you lived in the Cherokee Nation? A Ever since '66.

Q Where were you living in '66, in what part of the Cherokee Nation? A I came on Neesho river between the mouth of Fly and Cherry creeks in what was called Short creek, on the north side.

Q How far is that from where Chetopa is now? A Two and a half miles.

Q Do you know a creek called Russell creek there? A Yes sir.

Q Were you on that creek any in '68? A Yes sir.

Q What houses were there on that creek then and who were living in them? A In '68?

Q Yes sir. A Mr. Frett was there, he built the first house on the creek in the spring of '66.

Q Where there any other houses built there that year? A Yes sir.

Q You on that creek that year? A Yes sir.

Q Any other houses built there on Russell creek that year? A No sir.

Q What was any other houses built there, shanties or anything? A There was a shanty belonging to Oliver Noble, that was the next shanty built

Q Was he any relation of Mrs. Stinger, who just testified? A Brother I think.

Q Was that after the Trott house was built? A Yes sir.

Q Was you on this creek in the winter of '68 and '71? A Yes sir.

Q Were there any colored people there then? A No sir.

Q Do you know Shockey Peet? A No sir.

Q Do you know Josh Vann? A I don't know him, I have heard of him.

Q How long did you live in that neighborhood? A Backwards and forwards on that or ak from that time on until in the spring of '68, after '68 I went back on the creek every once and a while.

Q Was you back there at that Trott place on Russell creek in '87 or '88? A Yes sir.

Q Did you see any colored people there or any houses that were built there then? A No sir.

Q When did you see any other shanties built there besides the Trott and Morris houses? Well it might have been in the summer of '68, but not before; I was back there every month or so then.

Q You married a sister of Mrs. Stinger's? A Yes sir.

Q Where was she living? A With Mrs. Denney.

Q Where? A On Russell creek.

Q In what house? A The Trott house.

By Hellette:

Q How long has it been since 1866? A How long?

Q Yes sir. A Well it has been a good many years; it has been 30 odd years I guess, I am not positive.

Q How long has it been since 1866? A Way up in 40 odd years.

Q Forty how many years? A I can't tell exactly, unless I count it up.

Q Take your pencil and figure out how much it is? A I can't figure how much it is, not much on figures anyway and then I haven't my glasses with me to see the figures after I make them.

Q Well let's have it now, how much is it? A Six—this is '91—let's see, 44 years wouldn't it, I can't count it out right in my head.

Q You were passing up and down that creek from the mouth to the head every month or two? A From '67 I was was, pretty near every month up and down there.

Q Do you suppose that there might not have been a colored family stuck in behind some hill that you might not have seen the one, or that you might not recollect having seen now at this time? A Not at that time, families were scarce then.

Q Do you swear that they couldn't have been there? A No they couldn't.

Q And you will swear that the family of Shockey Peet was not there in the winter of '66? A Yes sir I do.

Q You are on your oath now, and do you swear that it has been 40 odd years since you were up there on Russell creek? A (No response).

Q It has been forty odd years, according to what you say, and do you swear that at no place on Russell creek in the winter of '66 was Shockey Peet there? A No sir she was not.

Q Where were you living 35 years ago? A I believe I was living in Kansas then.

By Davenport:

Q You came from Kansas to the Territory? A Yes sir.

Q What section of the Territory did you come to from Kansas? A On Cabin creek.

(Witness William H. Noble here desires to make a correction in his testimony.)

(By the Commission.)

Q What is it you desire to say in regard to your former testimony? A I said 40 odd years, I was wrong, I got it in my mind wrong and spoke it wrong, it is 35 in place of 40. I came from Kansas to the Territory in '55 and I mean that it is 35 years from that time till now.

(By the Commission.)

(By Smith)

Q How long do you say it was, now? A 35 years.

Q How do you know? A It was '56 and now it is '91 that is 35 years, I said 40 odd years in place of 35.

Q Didn't you say 40 years? A I don't believe I did, I might have.

Q Who did you get to figure it out for you? A I didn't get no one, I had it figured out before I left the stand but did not know that I could correct it, and when I went down stairs Mr. Davenport told me that I could and so I am doing it.

Q Where were you when the war closed? A I was in Louisville Kentucky.

Q What month were you there? A I took my discharge there.

Q What month did you get it? A I can't tell you, I have it at home.

Q You don't know when you got your discharge? A I can't tell it just that way.

Q When did the war close? A Closed in—I can't speak that, you throwed me again there.

Q You don't know? A No sir.

Q You don't know anything about '66 do you? A That was the year I came from Kansas to the Territory.

Q You can't give any other date except '66 can you? A Yes sir I can give no other dates.

Q How long had the war been over when you came down here from Kansas? A Two years.

Q Then you came here two years after the war? A Yes sir, when I was discharged.

Q Well you wasn't discharged until after the war closed was you? A No sir.

Q You know that it was two or three years after you received your discharge that you came here? A Yes sir.

Q You didn't get to the Territory then until in '67? A Got here in '66; I left Iowa in March '66.

Q Did you come to Chetopa before you came here? A Yes sir.

Q What was there? A Old Dr. Lyle lived there, and called it Chetopa.

Q Was there any stores there? A It is still there yet, yes sir.

Q I asked if there were any stores there at that time? A Log shanty.

Q Store? A No sir.

Q Did you ever get into any trouble there at Chetopa before you came here with a man named Gage? A I don't think I did, I don't recollect the man, or the name.

Q Have you ever been arrested for anything? A Yes sir.

What? A Cattle stealing.

Where? A Here in the Territory.

When? A About 4 or 5 years ago.

Q Anything else? A I believe that was all, taken to Fort Smith before Judge Parker for it and the Grand Jury didn't find a bill against me.

Q Were you ever arrested before that? A I don't think I was.

Q You would be apt to remember it if you had been wouldn't you? A If I was I don't know it.

This will also be filed and made a part of the record in Cherokee Freedman criminal cases B-418, B-565, B-780, B-785, B-94 and B-103.

Chas. J. Vane, upon oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings in full and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. J. Vane

subscribed and sworn to before me this 14th day of October, 1901



Commissioner

File with C. F. D-666.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 13, 1902.

In the matter of the application of Josh Vann for the enrollment
of himself and others as Cherokee Indians.

APPEARANCES:

Mellotte & Smith, Vinita, I.T., attorneys for applicants.
J. S. Davenport, attorney for the Cherokee Nation.

G. W. ARMSTRONG, being first duly sworn, testified as
follows:

MR. DAVENPORT: What is your name? A G. W. Armstrong.
Q Where do you live, Mr. Armstrong? A Bourbon County, Kansas.
Q Did you know a colored man up there by the name of Charlie Pea?
A Yes, sir.
Q When did you get acquainted with him? A Somewhere about '52.
Q Well how long did he live in that country after you got acquainted
with him? A Well he lived there six or seven years.
Q Was he a married man, Mr. Armstrong, when he was living there?
A He was part of the time.
Q Well was he married when you got acquainted with him? A No,
sir, he wasn't grown.
Q Well did he marry after you got acquainted with him? A Yes,
sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Susie, if I don't forget it very bad.
he married a girl by the name of, well her name was Susan I reckon,
but they always called her Susie Ross.
Q Well now was he living with her when he left that country? A
No, sir, he wasn't.
Q What become of her? A She died.
Q When did she die, about what year? A About '56 or '57.
Q She died while he was living there in that country? A Yes, sir.
Q How far did he live from you, Mr. Armstrong? A Well, my farm
and the one he lived on cornered, he lived right southwest of my
just cornered my place.
Q Well, do you know whether or not he married after this wife died?
A I couldn't say as to that; he left there, all of the Peas left
there.
Q What other members of the Pea family were there that you knew?
A Well, there was his uncle Ben Pea, and his mother, Millie Pea,
and he had a sister, Ann Pea, and a brother, Sam Pea, and Charlie
Pea, that amounted to the whole family.
Q And his wife died either in '56 or '57, this Susan Pea? A Yes,
sir, as near as I can get at it, it's been a long time, and I would
not swear positively to these things.

Mr. Smith waives cross-examination.

J. M. Perkins, being first duly sworn, testified as fol-
lows:

MR. DAVENPORT: What is your name? A J. M. Perkins.
Q You live— A At Bourbon County, Kansas.
Q How long have you lived there? A I have lived in Napoleon, Kan-
sas, '51, December, '51.

Q After you went to Hapleton did you get acquainted with a colored man by the name of Charlie Peas? A I did.

Q About how long had he been there before you got acquainted with him? A Well now I don't remember how long he had been there; about '68 I remember of becoming acquainted with him and the family that he lived with.

Q Well what family did he live with? A He lived with old man Peas, he was a blacksmith.

Q That is the old man or Charlie? A No, the old man.

Q Well, was he married at that time? A No, sir, he wasn't, he was married afterwards.

Q Do you know what his wife's name was that he finally married? A Her name was, well now, her given name was Susie, they called her Sukie Peas, that was what they called her, but her name was Susan, and my understanding is that it was Ross, but I don't know that it was Susie Ross; I know him though.

Q Did that wife live until he left that country? A No, sir, she died there in '67.

Q Do you know whether or not he had married again before he left there? A No, sir, hadn't remarried.

Q You haven't seen him since he left there? A I have never seen him since he left there, but I wouldn't marry there.

Q Well, from the time he married Susie Ross up until the time of her death did he live in your neighborhood? A Yes, sir.

Q He lived right there with Peas's family, and his wife died in '67? A Yes, sir.

MR. SMITH: All you know was a man named Charlie Peas? A I know the whole family of Peas, the old man, and well, there was Ben and the old lady that lived there was his sister, now let's see they called her I can't call to mind that old lady's name, but Charlie lived in the family, he wasn't old Ben's son, but all I know was there was a Charlie, a young man, in the family.

MARGARET PERKINS, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Margaret Perkins.

Q You live at Hapleton, Kansas, do you, Mrs. Perkins? A Yes, sir.

Q How long have you lived there in that neighborhood? A 48 years.

Q Well, did you know a colored man by the name of Charlie Peas there about the time of the war or after the war? A Yes, sir.

Q Do you know whether or not he was a married man any time after you got acquainted with him? A He married while he was there.

Q Do you know who he married? A He married Susan Ross.

Q Well, now, was she living when he moved away from that country or not? A She wasn't living, she died.

Q Do you know when she died? A She died in '67.

Mr. Smith waives cross-examination.

COMMISSIONER: This testimony will be filed with and have part of the record in the following Freedmen cases: D-414, D-415, D-416, D-417 and D-418, in addition to the case at hand, D-419.

ARTHUR G. CRONINER, being first duly sworn, states that as stenographer to the Commission on the Five Civilized Tribes he has

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

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[Signature]
1902

ACTING CHAIRMAN

During the testimony in proceedings in the above case, the chart the
foregoing is a true and correct transcript of the stenographic
report thereof.

Arthur G. Gamminger

Subscribed and sworn to before me this 15th day of April, 1903.

R. R. Rutter
Notary Public

To be filed with U. S. D., No. 1, Mary S. Lane et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D. C., May 16, 1908.

In the matter of the application of John Vann et al for enrollment
as Cherokee Freedmen.

SUPPLEMENTAL TO D-115

APPEARANCES:
Messrs. A. Smith for Applicants
W. W. Hastings, for Cherokee Nation.

MIRIAM PERKINS, being first duly sworn, testified as
follows:

Q. HASTINGS: What is your name? A. Miriam Perkins.

Q. You testified once before in this case? A. Yes, sir.

Q. Did you know Charles Peck? A. Yes, sir.

Q. Did you know Susan Peck? A. Yes, sir.

Q. Did Charles Peck's wife die, and was there another he married
again or not? A. Well, yes, sir. I don't know if he was living with another
woman.

Q. Well did you know her name? A. Her name was Susan Vann.

Q. Did that happen after the death of his first wife? A. Yes.

Q. After the death of Susan, after Susan was dead?

Q. Yes, and afterwards you lived with Susan Vann.

Q. Did Susan Vann have any children that you knew of? A. Yes, sir.

Q. What was the name of the child? A. The name was John, a colored boy.

Q. That was his name? A. His name was John, a colored boy.

Q. Well how do you know who John's father was or who he was?

Q. Yes, sir, said to be, said yes, sir. His mother's name was Susan.

Q. Claimed his mother was Susan, Cull Vann, was his mother? A. Yes, sir.

Q. About what time did they leave their country? A. Well, any way, I
don't know.

Q. After the time you are here, is that right, yes, sir.

Q. Charles Peck, did you know about Charles Peck? A. Yes, sir.

Q. Well do you know whether or not he was a married man any time
after you got acquainted with him when you first knew him? A. No.

Q. Well did he marry while he was there you lived?

Q. Who did he marry? A. Married Susan Peck, a girl who lived right
there by me, for a while.

Q. What was the name of the girl?

Q. What was the name of the girl? A. The name was Susan.

Q. What was the name of the girl? A. The name was Susan.

Q. What was the name of the girl? A. The name was Susan.

Q. What was the name of the girl? A. The name was Susan.

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Q. What was the name of the girl? A. The name was Susan.

Q. What was the name of the girl? A. The name was Susan.

policy system and change, and the Russian officials moved in here
so worried about Castro in 1960 that they got understanding that
where they went to

Q Now they knew until they got up there? A Oh, yes, sir, I know when they got up there, I worked for them and worked with them.

Don't know if they know or not. Well, he's not much about

CONFIDENTIAL

In 1844, Sam, son of John, lived most of his life with Passy
 Gibson. The son and wife and lost the first man that she lived with
 there. Her father, Vann, told her he didn't like her married, I
 think he did. She was Gilbert Vann, and lived with Gilbert Vann,
 not first the there, well then she went to live with her mother, lived
 up the river from us to what we called the Gibson settlement, then
 she went to live with her mother and was down the river from us
 east you know about four miles down the river, well then this boy
 called Vann, or John Culler Vann but John Vann, the boy, lived with
 Passy Gibson.

Q. Right there in the same neighborhood? A. Yes, sir, right in the same neighborhood. All they were about a mile apart, about a mile apart, I think. I couldn't have heard as loud as three or four years with money and so.

and you say they are on their way out. I never heard of them going to the States. They were all here about the same time, they

Q. Now, did you ever, at any time, have any conversation with Mr. Smith, in connection with the case of the woman who was known as "Mollie" or "Mollie Smith"? A. Yes, I did.

IT WENT A LONG TIME BEFORE THE COURT WAS LAYING OUT

Don't let me hear you say, "I don't care for the numbers."

NO. 124

Southwest and about mid sun time about **Black Hills**

the Pass Book of the Government Bank, which was found by the police on the night of the murder.

and I had been told that those who lived at the school

On the other hand, the fact that the number of people who are not in the labor force is increasing is a sign of a healthy economy. It means that people are not working because they are not interested in the job, but because they are not working because they are not working.

There are two things that I have seen in the past that I have never seen in the present.

How far from that Robot Land? About 100 miles
half way down after the Robot Land was reached.

... on the subject of the ...

Little over a year ago, you flew

country. The book is available at the same price as the other books from that publisher.

100

THE UNIVERSITY OF CHICAGO PRESS

well known that the

100-443887-100

in '68.
Q When did you think he went on the school land? A Well, he went on the school land - well that school land was purchased in October, '68, and then he put up buildings, and he went onto it, and I don't think he was on there more than a year.
Q How long was it after it was bought in '68 before he went on it?
A I think, I don't remember the exact days, but he built on it and put up some cabins, double log cabins.
Q Was it the same year that it was bought? A Yes, sir, the same year, in '67 - no, in '68. Well, it was that next winter that he built on it, he went, but you see he bought it in October, '66.
Q It was that following winter that he went onto it? A Yes, sir.
Q And nobody went on it but Jackson? A Well I never of anyone living on there now, that school land but Jackson, that is any of the colored people. I never knew the Paes lived on it. Charles lived right in the neighborhood, he lived there.
MR. HASTINGS: How far? A Well within a half a mile of that school land.
Q Do you know whether it was on the school land or not that he lived? A Well I don't, but I don't think that he lived on it, but I ain't sure but they was on that now. I can't be positive about that, my woman knows whether they was, but he lived right in that neighborhood now, you know for he first he was positive, for them buildings was all gone after that, after they left those cabins they were torn down.
Q Well she would know more about that than you would, wouldn't she?
A Yes, sir.
Q When were you married to her? A We was married in '88, '89.
Q A number of years after that? A Yes, sir.
Q You wasn't living with her at that time? A We all lived in the same neighborhood, had known one another.

COMMISSION: This testimony will be filed with and made a part of the record in the following Taxmen cases: D-416, R-94, D-666, D-707, D-725, and D-415, the case at bar.

Arthur G. Gresham, being first duly sworn, states that as stenographer to this Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Gresham.

Subscribed and sworn to before me this 23rd day of May, 1902.

(Seal)

(Signed) P. G. Reuter,

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 29 1902

ADMINISTRATIVE

Handwritten:
Bureau of
Indian Affairs

Handwritten:
I, Arthur C. MacArthur, do hereby certify that the above is a true and correct copy of the original now on file in the office of the Commissioner of the General Land Office, Department of the Interior, at Washington, D. C.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 28th day of July, 1902.

Bruce E. Jones
Notary Public.

Cher Fr D 667

Cher Fr D 667

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsoa, I.T., June 11, 1901.

In the matter of the application of Ellis Warren for the enrollment of himself as a Cherokee Freedman by intermarriage; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Ellis Warren.
Q How old are you? A I am 49.
Q What is your post-office address? A Hayden.
Q What district do you live in? A Coowasee.
Q You apply to be listed for enrollment as a Cherokee Freedman?
A Adopted.
Q What is your wife's name? A Matilda.
Q You apply for anybody besides yourself? A No sir not at present.
Q How old is your wife? A I do not know sir.
Q About how old? A I guess she is about 60.
Q Older than you then? A Yes sir, she is older than I am.
Q When were you married to her? A I really couldn't tell you.
Q Have you got a certificate of marriage? A Yes sir, I think I have. (Produces papers.)
Q Is your wife's name on the roll of 1880? A I do not know sir, whether it is or not. It should be there, but I couldn't tell you whether it is or not.
Q Comment. The applicant presents a marriage license issued by the authorities of the Cherokee Nation on the 30th day of June, 1888, authorizing one Ellis Warren, a citizen of the United States, to marry Matilda Johnson, a citizen of the Cherokee Nation, and the certificate of marriage, certifying that the marriage ceremony was performed on the 3rd day of July, 1888; said marriage license and certificate being regular as provided by the laws of the Cherokee Nation.
Q Were you ever married to her before? A No sir.
Q Have you been with Matilda Johnson continuously since you married her? A Yes sir, all but until last --
Q Living together now? A Well, I am working a farm, but we don't live together.
Q Are you divorced? A Yes sir.
Q Have you married since your divorce? A No sir.
Q When were you divorced? A This last spring.
Q Have you any certificate of divorce? A Yes sir, but not with me.
Q Where were you divorced? A At Vinita.
Q In what court? A United States court.
Q Who applied for the divorce? A I did, by her orders.
Q You abandoned her then? A No sir, she abandoned me, she got up and left home and told me you can go and get your divorce, I am not going to live with you any more.
Q Left the place where you had been living? A She did, but she has come back now.
Q You left the place? A No, I am farming the land.
Q You both live on the same place? A Yes sir, but not in the same house.
Q What was the cause of the divorce? A She got mad at the children.
Q Have you got the children? A No sir.
Q How many children have you? A I have got three children, but they are not her children, they are by a wife that's dead.
Q Have you any children by her? A No sir.
Q Did you live with her up from '88 until a year ago? A Yes sir.
Q Was she married before she married you? A She was a widow, she married a Johnson.
Q What was her name before she married John Johnson? A Her father was named Leedy.

Ellis Warren 2

Q What was his full name? A He was a sister of Frank Ross and Ben Loody.

Q What was her name, Matilda Loody? A I don't know sir, it was Matilda.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant's wife not found thereon.

Q What was her father's name? A Billy Loody.

Q What was her mother's name? A Yella Loody.

Q What proof have you got of your wife's citizenship? A I haven't got any, she has always been claimed as a citizen.

Q Has she applied to be enrolled? A Yes sir, she had done so here and on rolls.

Ex. Examined by Cherokee Rep. W. H. Hastings:

Q How long had you been separated from her when you got a divorce?

A We had been separated about a year I guess.

Q You brought the suit did you, or did she bring it? A I brought it.

Q In the court at Sanita? A Yes sir.

Q What grounds did you set up against her? A I didn't set up any, only told them her father was for us to have a divorce; they asked me did I mistreat her, I told them I did not.

Q Did you have any witnesses? A None at all, only from her hands, she wrote a card to them and told them she was perfectly willing for me to have it.

Q Who was your lawyer? A Stanfield.

By Court:

Q How long have you lived in the Cherokee Nation? A I can't tell you, I come here in a early day; I have been here before this country was settled up any at all.

By Mr. Hastings:

Q Were you ever married before you married Matilda? A Yes sir.

Q What was your first wife's name? A Mandy.

Q Where is she now? A She is dead.

Q She died before you married this woman? A Oh yes sir.

Q You ever have any other woman for your wife? A No sir.

Mr. Hastings: Comes now the representation of the Cherokee Nation and offers in testimony the decision of the Supreme Court of the Cherokee Nation, found on pages 86 and 87, Minutes of Special Court of Commissioners, Supreme Court of the Cherokee Nation, 1871, with reference to the rights of intermarried colored persons, which is as follows:

"Tuesday morning, June 30th, 1871, Court convened. - Present same as yesterday - the making out of report continued until the Court announced the following decision regarding certain colored men, who have married colored women of the Nation:

To wit:-

The Court of Commissioners after mature reflection feel authorized to decide against all cases to give it, wherein colored or black men are claiming citizenship from marrying Black female citizens under the law "Regulating Intermarriage with white men", as they are construed a correct interpretation of said law will not authorize a Clerk of the Court to issue a license to a black man to marry a black woman.

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COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 19 1901

[Handwritten signature]

Ellis Warren 3

as it only alludes to, and was intended for White men and Cherokee Women.

The Court believe it is further sustained in the opinion, the colored citizens are such by adoption, and as such do not confer rights upon others, without further legislation upon the subject of citizenship. Therefore decide,

The following named persons are not entitled to the right of Citizenship as by law.

George Washington, Coe was born was Dist.
Henry Johnson, who is quah
Leo Cooper
Henry Bird
William Madden
Solomon Foster, Illinois Dist.
William Hudson, Illinois Dist.
Raymond Youngblood Sequoyah Dist.

By Com'r Needles: Ellis Warren applied for the enrollment of himself as a Cherokee Freedman citizen by intermarriage, and makes satisfactory proof of the issuance of a marriage license to him to marry Matilda Johnson; said marriage license has been issued by the authorities of the Cherokee Nation; also a certificate of marriage certifying that the ceremony was performed on the third day of July, 1898; he avers that he was divorced from said wife; it will be necessary for him to file with this Commission a certified copy of said divorce; his wife Matilda Warren, through whom he claims citizenship, has been duly listed for enrollment as a Cherokee Freedman citizen on card 557, and reference is made to the testimony taken in said case, it will not be necessary to file a copy of said testimony, reference is merely made to same; he makes satisfactory proof of residence, consequently, Ellis Warren will be listed for enrollment as a Cherokee Freedman by intermarriage, in a doubtful case.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes in regard.

Subscribed and sworn to before me this June 19, 1901.

Commissioner.

F. D. 667

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this.....
day..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A. D. 1901

Subscribed and sworn to before me
this..... day of..... A. D. 1901.

R

SEP 14 1901

9/20 filed

NOTICE!

IN THE MATTER OF The application of Ellis Warren
for enrollment as a Cherokee Freedman:

Case No. F. D. 667

To Ellis Warren Hayden, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 28th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept., 1901.

L. B. Bell
W. W. Hastings

Attorneys for the Cherokee Nation.

Cher Fr D 668

Cher Fr D 668

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 11, 1901.

In the matter of the application of Alexander Downing for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

A. S. McRea, (colored) for applicant;
Mr. James Davenport, for the Cherokee Nation.

- Q What is your name? A Alexander Downing.
Q How old are you? A 32.
Q What is your post-office address? A Ketchum.
Q What district do you live in? A Delaware.
Q You desire to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself? A Just me, and I have got four brothers.
Q Are they all older than you? A They are all younger than me.
Q Are they all of age? A Yes sir.
Q They must enroll themselves, are you married? A Yes sir.
Q Do you apply for your wife? A No sir, she has been enrolled.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Not only to a certain extent.
Q Is your name on the roll of 1890? A No sir.
Q On any of the rolls? A Not that I know of.
Q Ever draw any money? A No sir.
Q Did you ever apply to the Cherokee authorities to be enrolled? A Yes sir, my uncle have.
Q You were refused were you? A Yes sir.
Q Were you a slave? A No sir, I wasn't, my father was.
Q What was your father's name? A Alex Downing.
Q Is he living? A No sir, he is dead.
Q What was your mother's name? A Rebe.
Q Is she living? A No sir, they are both dead.
Q Was your father a slave? A Yes sir.
Q To whom did he belong? A I heard my uncle say he belonged to Eliza Wright.
Q How long has your father been dead? A About 12 years.
Q How long has your mother been dead? A About the same.
Q Was she a slave? A No sir, she was a slave.

Examined by attorney, A. S. McRea:

- Q Where is the first recollection you have of yourself, where were you? A I was living over here on Grand River, with my grand-father.
Q Where is that, in the Cherokee nation? A Yes sir.
Q Have you continuously lived in the Cherokee nation ever since you have had any recollection of yourself? A Yes sir.
Q Are you acquainted with Rebedee Downing, who is on the authenticated roll? A Yes, he is my uncle.
Q Is he any relation at to you? A He is my uncle.
Q Did he have the care and custody of bringing you up, and your other brothers and sisters? A Yes sir, he raised us from the time of my father's death up until I became grown and married.
Q Why is it that some of yours or your brother's names are upon the authenticated roll as you know? A I can't tell hardly why it is that they don't appear, he has always had some one make applications for us for enrollment.
Q What relation was your father to Rebedee Downing, and Elias Downing? A They were brothers.
Q Did they belong to the same owner, so far as you ever heard? A (No reply)

ELIAS DOWNING, being sworn and examined by Commissioner Needles testified as follows:

Alexander Downing 2

- Q What is your name? A Tillas Downing.
Q What is your age? A 58.
Q What is your post-office address? A Okla. Mo.
Q Are you a recognized citizen of the Cherokee Nation, Freedman?
A Yes sir.
Q Is your name on the roll of 1880? A No sir.

By Attorney A. E. Morris:

- Q Are you acquainted with the applicant here, Alexander Downing?
A Yes sir.
Q Is he any relation to you? A Yes sir, I am his uncle.
Q Then his father Alexander Downing was a brother of yours? A Yes sir, own brother.
Q Did you and he belonged to the same owner? A Yes sir.
Q Did he go out of the nation during the war? A Yes sir.
Q Where did he go to? A He went to Texas.
Q Did he ever return? A Yes sir, he returned.
Q Did you go out yourself? A Yes sir.
Q Who returned first, he or yourself? A I returned first.
Q What time did you return? A I returned here in '66.
Q Was he a man when he was taken out during the war, your brother?
A Yes sir, he was about 15 years old when he was taken out.
Q Did I understand you to say that he returned at the same time as yourself? A No sir.
Q What prevented his returning at the same time as yourself? A He was a slave down there, and he was working for his owners when I left there.
Q When did you first see him in the Territory after the war? A It has been right about thirty years, I don't know just what year when I first saw him.
Q Did he have a family? A Yes sir, he had a family.
Q Did he live continuously in the Cherokee Nation after his return from Texas? A Yes sir, up till he died.
Q He lived and died in the Cherokee Nation? A Yes sir.
Q What relation was he to Zebulon Downing, who appears upon the authenticated roll of 1880? A Own brothers.
Q Can you state why it is that the name of your brother, Alexander Downing, does not appear upon any of the rolls of the Cherokee Nation? A Not exactly I can't; it seems that through the Wallace count there was some kind of mistake made with my brother in giving in the evidence, some kind of mistake, I don't know just what.

By Gen'l Needles:

- Q You state in your testimony that you and Alexander Downing were slaves and belonged to the same man? A Yes sir.
Q Who was that? A We first belonged to Eliza Wright.
Q Was she a Cherokee citizen? A Yes sir.
Q Well, who next? A She was a widow woman, and then we belonged to her daughter, married a man named Sam Couch, that's who carried us out of here.
Q Carried you into Texas? A Yes sir.
Q That was a slave state? A Yes sir.
Q Before the war? A After the war commenced, about '63 or '4.
Q He went to Texas himself? A Yes sir.
Q Took you with him? A Yes sir.
Q Hired out out down there? A No sir, I worked for him all the time while I was down there.
Q Wasn't your brother, Alexander sold? A No sir.

By Mr. Davenport:

Alexander Downing 3

Q Was that Sam Gough a resident of the State of Texas when the war broke out? A He was living here in the Territory when the war broke out.

Q Sam Gough is a brother of what they call Pete Gough, who is living here in town now? A Yes sir.

Q You know the reason why you are not on the roll of 1860 don't you? A Yes sir.

Q And that is because Sam Gough didn't bring you back until 1861? A It is because they wouldn't put me on.

Q Didn't Sam Gough bring you back to me? A No sir.

Q Who did you come with? A Come by myself, with a drove of cattle.

Q Who did Alexander come with? A I disremember.

Q He came after you didn't he? A Yes sir.

Q And you came back in '64? A Yes sir.

Q And he came some time after that? A Yes sir.

Q What time of the year in '66 did you come? A It was along through the summer and fall.

Q You don't know whether Sam Gough brought his father back or not? A No, Sam Gough didn't bring him back, as I know of.

Q Did you come after or before Sam? A Well if I came in '66 I must have come before.

Q Where were you living when Sam, in the State of Texas? A I was down there.

Q Where was this applicant's father and the applicant living when Sam last lived in the State of Texas? A They were living there, I suppose.

Q They were living in Texas? A Yes sir.

Q This applicant was born in Texas wasn't he? A Yes sir, I think he was born there.

By Attorney A. S. McRee

Q Your brother was a minor when he went to Texas was he? A Yes sir.

Q And he went out some time during '64 or '65? A Yes sir.

By Mr. Deenport

Q He married in Texas? A Yes sir.

Q And this applicant here was born in Texas while he was living there after he was married? A Yes sir.

By Con'r Needles

Q How old was this child when Alexander Downing came back from Texas to the Cherokee nation? A I don't know just how old he was.

Q Alexander bring this child Alex to him? A Yes sir.

Q Did he bring his wife with him, his own wife? A Yes sir.

Q Did this applicant's wife come along? A No sir.

Q I saw the applicant's father's wife? A Yes sir.

Q Although he had married down there? A Yes sir, he had married there.

JENNIE DOWNING, being sworn and examined by Con'r Needles testified as follows

Q What is your name? A Jennie Downing.

Q What is your age? A 15.

Q What is your present address? A Ketchikan.

Q In what district do you live? A Delaware.

Q Are you a recognized freedman citizen of the Cherokee nation? A Yes sir.

Alexander Downing 4

Q Is your name on the authenticated roll of 1880? A Yes sir.

By Attorney A. S. McRea:

Q Are you acquainted with the applicant here, Alexander Downing, Jr.? A Yes sir.

Q How long have you known him? A Oh ever since a little bit of a boy.

Q Were you acquainted with his father, Alexander Downing, Sr.? A Yes sir.

Q Do you know when he returned from the State of Texas after the war? A No sir, I do not know just exactly when he returned.

Q Did you have the care and custody bringing up of these children also? A Yes sir.

Q Are they the children of Alexander Downing and Rebecca Downing? A Yes sir.

Q Are they any relation to your husband, Zebedee Downing, whose name appears upon the authenticated roll of 1880? A He is their uncle.

Q What relation is his father, Alexander Downing, to your husband Zebedee Downing? A Full brothers.

Q Did the census enumerators ever come to your house during the time you had the custody of these children? A No sir, their father was living at that time.

Q Came to their father's house? A Yes sir.

Q You know why it is that none of their names appears upon the rolls of the Cherokee nation? A I could not tell you, I don't know.

Q But you do know that the census enumerators went to their house? A Yes sir.

Q About what time was that? A It was in 1880.

By Com'r H. Adles:

Q What relation did you say you are to Alexander Downing here? A I was his aunt by marriage.

Q Was Alexander Downing Sr. this applicant's father, a slave? A Yes sir.

Q Who did he belong to? A He belonged to the Wrights, I suppose. I ain't acquainted with his owners, but that's who he belonged to.

Q Was Alexander Downing, Sr., taken out of the Cherokee nation during the war? A Yes sir.

Q Where to? A Texas.

Q Were you taken out? A Yes sir.

Q You don't know when Alexander Downing, Sr., the father of the applicant, returned from Texas? A No sir.

Q What are the names of Alex Downing's children? A Alex Downing, Johnnie, Tommie Downing, Andrew and Solomon Downing.

Q Are they all living? A Yes sir.

Examined by Mr. Davenport:

Q You and your husband didn't go to the same place, during the war, that this boy's father did? A No sir.

Mr. McRea:

Q You wasn't married at that time? A No sir.

Mr. Davenport:

Q Did your husband go to the same place where the applicant's father did? A I don't know.

Q He didn't return with him? A No sir.

By Mr. McRea:

Q Do you know of your own knowledge that he didn't return with...

Alexander Downing 5

well that's all right, I won't ask that question.

By Com'r Needles:

- Q Did Alexander Downing live in the Cherokee Nation from the day of his return until his death? A Yes sir.
Q How many of these children were born in the State of Texas, any besides the applicant? A No sir.
Q Balance of the children born here in the Cherokee Nation?
A Yes sir.
Q Old man Alexander Downing marry in Texas? A Yes sir.
Q Was his wife what is known as a state woman, or had she been a Cherokee slave? A She was a state woman.

ELIAS DOWNING, re-called, and further examined,
By Mr. McRea:

brother

- Q Mr. Downing, did you ~~not~~ go out during the war? A Yes sir.
Q Where did he go to? A ~~He went to Texas~~ I heard he went to Texas.
Q Did he return after the war? A Yes sir.
Q What year? A I found him here in '66.
Q You found him here in '66 when you returned? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q At what point? A Delaware District.
Q Were there any children besides yourself, Zebadiah and Alexander?
A Any with him you mean?
Q Yes any other children of the family? A Oh yes sir, there was about ten of us children.
Q Was your father dead before the census roll of 1880 was taken?
A No sir, he has been dead about twelve or thirteen years, just before the Wallace court.
Q Does his name appear upon the authenticated roll of 1880? A Yes sir.

By Com'r Needles:

- Q You didn't go out with your father? A No sir.
Q You went south and your father went north? A Yes sir.

1880, authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
1880 census roll of citizens of the Cherokee Nation and applicant not found thereon.

Wallace pay roll of citizens of the Cherokee Nation examined and applicant not found thereon.
Karr-Chilton pay roll of citizens of the Cherokee Nation examined and applicant not found thereon.

APPLICANT, ALEXANDER DOWNING, re-called, and further examined,
By Com'r Needles:

- Q You never drew any money at all? A No sir.
Q You have been living in the Cherokee Nation all your life? A All my life, so far as I can recollect.
Q Can you recollect being in Texas? A No sir, when I first recollect I was living on Grand River, with grand-pa, ma and my father brother.
Q Who was your grandfather? A Reuben Downing.

Com'r Needles Alexander Downing applies for the enrollment of himself; his name cannot be found ~~anywhere~~ nor can he be identified upon any of the rolls of the Cherokee Na-

Alexander Downing 6

tion now in the possession of the Commission; he swears that he is a son of Alexander Downing, Sr., by his wife, Hilda, who was what is known as a state woman; the name of his father named to go on upon the authenticated bill of 1880; proof is made that his father was a slave, moved to the state of Texas, was carried to the state of Texas, and returned in the year 1868; that the applicant was born in the state of Texas, and returned when he was a minor, and that his father was a minor when he was taken to the state of Texas during the war; that factory proof has been made as to the residence of the said Alexander Downing, and he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting further consideration of the Commission; he will be notified by mail of the action of the Commission when arrived at.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes the fact.

M.D. Green

Subscribed and sworn to before me this June 12, 1903.



Comptroller.

D. **668**

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of **SEP 23 1901**, 190...

A. S. McRae

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of A. D. 190...

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with the
DAVES COMMISSION.

SEP 24 1901

NOTICE!

IN THE MATTER OF the application of Alexander Downing
for enrollment as Cherokee citizens:

Case No. D 668

To Alexander Downing or A. S. McRea Atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 12th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell
M. W. Hastings
Attorneys for the Cherokee Nation.

Q When did you learn to know Abada? A After the war, he stayed here; I know Elias down there at the same time I know Aleck.

Q Well, did you ever see him any more after you left Texas in 1866?

A Yes, sir, I saw him in Texas after I moved from there, but I never have seen him here.

Q Never have seen him in the Cherokee Nation? A No, sir.

Q How long did you remain here before going back to Texas after you arrived in 1868? A Went back in the spring of '69.

Q Saw him there then? A Saw him there then.

Q Are you acquainted with his family? A No, I can't say that I am; I knew his wife at that time.

Q He had no children had he? A If he had I don't remember, the only way I remember Aleck in '69 is he broke horses for me and helped me about the cattle.

Q Do you know where Alexander Senior, I believe he is Senior, where was he in 1866? A I can't tell you; first I seen of him was after I moved to Pryor Creek and after I did saw Aleck and Elias.

Q You don't know where Alexander, Sr., was in 1866? A The old man, I don't know where he was; I never seen the old man as I know of after '68 after I moved back here.

Q Now, did I understand that you never saw the father of these children here in the Cherokee Nation in your life? A Not until after I come back; never seen him there or them either; if I saw Aleck I don't remember after I come back.

Commissioner This testimony will be made part of the record in the following Cherokee Freedmen cases, #D.569, #D.670, #D.671, and #D.672.

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J. O. Robson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Robson

Subscribed and sworn to before me this October 16th, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ORDER

In the matter of the application for the enrollment of
Alexander Downing, et al., as Cherokee Freedmen, consolidating the
applications of

Alexander Downing, Cherokee Freedmen D-668,
Thomas Downing, Cherokee Freedmen D-669,
John Downing, Cherokee Freedmen D-670,
Andrew Downing, Cherokee Freedmen D-671,
Solomon Downing, Cherokee Freedmen D-672.

DECISION.

The record herein shows that applications for enrollment as
Cherokee freedmen were made to this Commission by Alexander Downing
for himself; by Thomas Downing for himself; by John Downing for
himself; by Andrew Downing for himself, and by Solomon Downing for
himself.

The evidence in this case shows that the applicants were
born since 1864 and are the children of and claim their right to en-
rollment through their father, Alexander Downing; that Alexander
Downing was the slave of a Cherokee citizen at the commencement of
the rebellion; that during said rebellion he left the Cherokee Nation
and did not return thereto and establish a residence therein within
the time specified in the decree of the Court of Claims rendered on
February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs.
the Cherokee Nation, et al., for the return of Cherokee freedmen to
said Nation.

It further appears that the names of none of the applicants
appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the
applications for the enrollment of Alexander Downing, Thomas Downing,
John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen
should be denied, under the provisions of section twenty-one of the
act of Congress approved June 26, 1896, (30 Stat., 495), and it is
so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Ems Hixby, Chairman.

" T. B. Needles, Commissioner.

" C. R. Breckinridge, Commissioner.

" W. E. Stanley, Commissioner.

Muskogee, Indian Territory,

MAR 5 1904

Cherokee Freedmen D-668

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alexander Downing as a citizen by intermarriage of the Cherokee nation.

--:--

D E C I S I O N.

It appears from the records of the Commission that on March 8, 1904, the Commission rendered its decision in the consolidated case of Alexander Downing, et al., Cherokee Freedmen D 668, wherein the application for enrollment as a Cherokee freedman, of Alexander Downing, was denied. Thereafter the Department, in its letter of August 19, 1904 (I.T.D. 6546-1904) affirmed the decision of the Commission denying the application of said Alexander Downing for enrollment as a Cherokee freedman. The Department further stated that inasmuch as the record shows that Alexander Downing had married a freedman Cherokee citizen, his rights as a citizen of the Cherokee Nation, by intermarriage, should be determined by this Commission.

It does not appear from the records in the possession of the Commission, that Alexander Downing is identified upon the 1880 authenticated Cherokee roll, nor does it appear that he has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in the Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 381).

-2-

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome (I.T.D. 8848-1904 and 11776-1904), Alexander Downing is not entitled to be enrolled as a citizen by intermarriage of the Cherokee Nation, and that his application for enrollment as such should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). *Tams Bixby.*

Chairman

(SIGNED). *T. B. Needles.*

Commissioner

(SIGNED). *C. R. Breckinridge.*

Commissioner

Muskogee, Indian Territory,

APR 24 1905

this

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Alexander Downing, -----	Cherokee freedman D-668.
Thomas Downing, -----	Cherokee freedman D-669.
John Downing, -----	Cherokee freedman D-670.
Warren Downing, -----	Cherokee freedman D-671.
Solomon Downing, -----	Cherokee freedman D-672.

MOTION FOR REVIEW OF DECISION.

Come now the above named persons who have been denied enrollment as Cherokee Freedmen, by their attorneys, Blue & Bulger and McGowan & Serven, and move the Honorable Secretary of the Interior to open their respective cases above named; to review the decisions of the Commission to the Five Civilized Tribes denying said applications; to reverse said decisions, and to enroll each of the said applicants as a Cherokee Freedman, for the following reasons:

The decision of said commission in the matter of each application was and is contrary to law.

The evidence adduced by said applicants in support of their applications show:

1. That each of said applicants was a slave of a Cherokee citizen at the time of the commencement of the war of the rebellion and was liberated by voluntary act of his Cherokee owner or by law, or is the descendant of such slave.
2. That each of said applicants, if born, was a resident in good faith in the Cherokee Nation prior to June 28, 1898.
3. That said applications were made prior to September 1, 1902.
4. That at the date of said application, the said applicants had not abjured or forfeited their Cherokee citizenship by moving out of the Cherokee Nation with their effects to some other state or nation and by becoming a citizen thereof.

SENT IN NATION August 11, 1905.

WHEREFORE, Said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee Freedmen.

Blue and Bulger
and McGowan and Serven
Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Alexander Downing, 668
Thomas Downing, 669
Andrew Downing, 671
Solomon Downing, 672

MOTION FOR REVIEW OF DECISION.

Come now the above named persons who have been denied enrollment as Cherokee Freedmen, by their attorneys, Blue & Bulger and McGowan & Serven, and move the Honorable Secretary of the Interior to open their respective cases above named; to review the decisions of the Commission to the Five Civilized Tribes denying said applications; to reverse said decisions, and to enroll each of the said applicants as a Cherokee Freedman, for the following reasons:

The decision of said commission in the matter of each application was and is contrary to law.

The evidence adduced by said applicants in support of their applications show:

1. That each of said applicants was a slave of a Cherokee citizen at the time of the commencement of the war of the rebellion and was liberated by voluntary act of his Cherokee owner or by law, or is the descendant of such slave.
2. That each of said applicants, if born, was a resident in good faith in the Cherokee Nation prior to June 28, 1898.
3. That said applications were made prior to September 1, 1902.
4. That at the date of said application, the said applicants had not abjured or forfeited their Cherokee citizenship by moving out of the Cherokee Nation with their effects to some other state or nation and by becoming a citizen thereof.

5. The evidence show that these applicants claim through Alexander Downing who left the NATION during the WAR, but soon thereafter returned, not having abandoned his Cherokee DOMICILE by leaving in the manner and under the condition, and for the reason as aforesaid.

WHEREFORE, Said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee Freedmen.

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905:

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MOG
cl

REFER IN REPLY TO THE FOLLOWING
Enclosed Enclosure
7-444; 7-444; 7-444
670; 670; 670

Muskegee, Indian Territory, March 21, 1904.

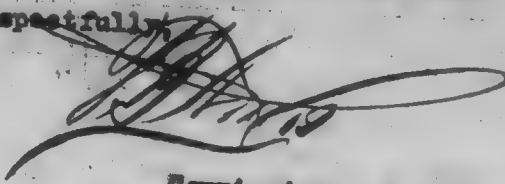
W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Alexander Downing, et al., rejecting the applications for the enrollment of Alexander Downing, Thomas Downing, John Downing, Andrew Downing and Solomon Downing as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.

Encl. V-47

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM O BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chas R
REFER IN REPLY TO THE FOLLOWING
Charles Freeman
D-600, et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Washago, Indian Territory, October 4, 1904.

Will, Hastings & Javupert,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 8, 1904, rejecting the applications for the enrollment of Alexander, Thomas, John, Andrew, and Solomon Downing as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,


Chairman.

COMMISSIONERS:

TAMM HENRY,
THOMAS B. NEEDLES,
C. R. BRUCEWRIGHT

WM. C. BRALL
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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COPIES OF REPORT TO THE PRESIDENT
Cherokee Freedmen
9-243

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 24, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1906, rejecting the application for the enrollment of Alexander Downing as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 5-20

Chairman.

The Commissioner,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 24, 1906, transmitting the record of the application for enrollment as a citizen by intermarriage of the Cherokee Nation by Alexander Downing.

April 24, 1906, the Commission decided adversely to the applicant.

The record shows that the Department by letter of August 18, 1904 (I.T.D. 6546-1904) affirmed the decision of the Commission rejecting the application of Alexander Downing for enrollment as a Cherokee Freeman and thereby stated that his rights as a citizen by intermarriage should be determined by the Commission.

It does not appear that the applicant is identified upon the 1890 authenticated Cherokee Roll nor that he has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal.

In view of the request and approval of the Commission's
decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

D. C. 38711-1905.
I. T. D. 3048-1905.
LRS

119

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

August 10, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 24, 1905, the Commission to the Five Civilized Tribes transmitted the report in the matter of the application of Alexander Dowling for his enrollment as a Cherokee freedman, including its decision of the same date rejecting said application.

Reporting May 4, 1905, the Indian Office recommended that the Commission's decision adverse to the applicant be affirmed. A copy of its letter is inclosed.

The Department concurs in the recommendation made and the decision of the Commission to the Five Civilized Tribes dated April 24, 1905, rejecting said application is hereby affirmed.

Respectfully,

Inclosure.

(Signed) Eric Ryan,
Acting Secretary.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
.....
D-668.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JS*

BCP
Muskogee, Indian Territory, August 21, 1905.

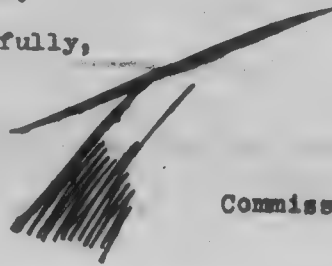
Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the application for the enrollment of Alexander Downing as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 10, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,



Commissioner.

LS

Incl. S-103

Cher Fr D 669

Cher Fr D 669

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T.: June 11, 1901.

In the matter of the application of Thomas Downing for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

A. S. McRea, Esq., for applicant;
Mr. James Davenport, for the Cherokee Nation.

- Q What is your name? A Thomas Downing.
Q What is your age? A 28.
Q What is your post-office address? A Catale.
Q What district do you live in? A Coowasee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself, anybody? A No sir.
Q What is your father's name? A Alex Downing.
Q Is he living? A No sir, he is dead.
Q Have you a brother named Alexander? A Yes sir.
Q Is your brother the Alexander Downing who just applied to be enrolled? A Yes sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A No sir, I don't know as they do.
Q You never draw any money? A No sir.
Q Where were you born? A I was born on Grand River.
Q In the Cherokee Nation? A Yes sir.
Q Have you lived there all your life? A Yes sir.
Q Are you married? A No sir.

1850 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon;
Knox-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found thereon;
Wallace roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Com'r Needles: Thomas Downing applies for the enrollment of himself, he swears that he is a son of Alexander Downing, Sr., and a brother of Alexander Downing, Jr. Alexander, Jr. has been listed for enrollment on card 558, and the testimony taken in the application of Alexander Downing will be made a part of the report in this case at bar, and a copy thereof will be forthwith said Thomas Downing having made satisfactory proof of residence, he will be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration by the Commission; he will be notified by mail of the action of the Commission when arrived at.

McRea, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 19, 1901.


Commissioner.

FILE 112 C.F.

869: Thomas Downing.

Department of the Interior

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Q-1-571-2. L. T. June 11, 1901

In the matter of the application of Alexander D. Smith for the enrollment of himself as a Canadian Freemason; being sworn and examined by Committee on Jurisdiction, he testified as follows:

Appreciated:

Q What is your name? A Zebadiah Manning.
Q How old are you? A 31.
Q What is the post-office address of your home?
A That district do you live in? A Delaware.
Q You desire to be enrolled as a Free Man? A Yes sir.
Q What do you desire to enroll besides yourself? A Just me, and
four or four brothers.
Q Are they all older than you? A They are all younger than me.
Q Are they all of age? A Yes sir.
Q They must enroll themselves, are you married? A Yes sir.
Q Do you apply for your wife? A No sir, and has been enrolled.
Q Have you ever been recognized by the Ober-Roe authorities as a
Free Man? A The only to a certain extent.
Q Is your name on the roll of 1830? A Yes sir.
Q On any of the rolls? A Not that I know of.
Q Your arms not money? A No sir.
Q Did you ever apply to the Ober-Roe authorities to be enrolled?
A Yes sir, my whole life.
Q You were refused when? A Yes sir.
Q When was that? A No sir, I want to say, my father was.
Q That was your father's name? A Zebadiah Manning.
Q Is he living? A No sir, he is dead.
Q What was your mother's name? A Fanny.
Q Is she living? A No sir, they are both dead.
Q Is your father a slave? A Yes sir.
Q To whom did he belong? A I heard my uncle say he belonged to
Eliza Wright.
Q How long has your father been dead? A About 10 years.
Q How long has your mother been dead? A About the same.
Q Was she a slave? A Yes sir, she was a slave.
Examined by Attorney, A. S. Mendenhall.
Q Where is the last recollection you have of yourself, where were
you? A I was living over here on Grand river, with my father.
Q Where is that, is it the Ober-Roe? A Yes sir.
Q Have you continuously lived in the Ober-Roe Nation ever since
you have had any recollection of yourself? A Yes sir.
Q Are you acquainted with Zebadiah Manning, Jr., is on the anti-slavery
roll of 1830? A Yes sir.
Q Is he any relation to you? A He is my uncle.
Q Did he have the care and custody of bringing you up, and your
other brothers and sisters? A Yes sir, he raised me from the birth
of my father's death until I became grown and married.
Q Why is it that some of your other brothers and sisters are upon
the anti-slavery roll of 1830, and I am not? I can't tell hardly why it
is that they don't appear, but I have a strong suspicion
for me for enrollment.
Q What relation was your father to Zebadiah Manning, and Elias De-
ling? A They were brothers.
Q Did they belong to the same place, as far as you ever heard? A
Yes sir.

THE OFFICE HEREIN, BEING SEVEN AND EXHIBITED BY CAROLANNE HENRICHSON
 OCTOBER 1, 1961

• **What Is Your Scape?** • **What Are Demographics?**

THE UNIVERSITY OF CHICAGO PRESS

Alexander Deming

Q What is your post-office address? A Chelsea.

Q Are you a recognized citizen of the Cherokee Nation, Freedman?

A Yes sir.

Q Is your name on the roll of 1860? A Yes sir.

By Attorney A. J. Jones:

Q Are you acquainted with the applicant here, Alexander Deming?

A Yes sir.

Q Is he any relation to you? A Yes sir, I am his uncle.

Q Then his father, Alexander Deming, was a brother of yours? A Yes sir, own brother.

Q Did you and he belong to the same company? A Yes sir.

Q Did he go out of the nation during the war? A Yes sir.

Q Where did he go to? A To Texas.

Q Did he ever return? A Yes sir, he returned.

Q Did you go out yourself? A Yes sir.

Q Why returned first, or later yourself? A I returned first.

Q What time did you return? A I returned here in '60.

Q Then he went when he was taken out during the war, your brother?

A Yes sir, he was about 23 years old when he was taken out.

Q Did I understand you to say that he returned at the same time as yourself? A Yes sir.

Q That prevented his returning at the same time as yourself? A He was slave down there, and he was working for his own use when I left there.

Q When did you first see him in the Territory after the war? A It has been about thirty years, I don't know just what year when I first saw him.

Q Did he have a family? A Yes sir, he had a family.

Q Did he live continuously in the Cherokee Nation after his return from Texas? A Yes sir, up till he died.

Q So he died and died in the Cherokee Nation? A Yes sir.

Q What relation was he to Zerodes Deming, who appears upon the such colored roll of 1860? A Own brother.

Q Can you state why it is that the name of your brother, Alexander, Deming, does not appear upon any of the rolls of the Cherokee Nation? A For exactly I don't know, it seems that through the will of God there was some kind of mistake made with my brother in giving in the evidence, some kind of mistake, I don't know just what.

By Deming Handless:

Q Now state in your testimony that you and Alexander Deming were slaves and belonged to the same man? A Yes sir.

Q So was that a wife first, he belonged to Eliza Wright?

Q Was she a Cherokee citizen? A Yes sir.

Q Well, who next? A She was a widow woman, and then we belonged to her daughter, Harriet, a man named Sam Houch, that's who carried us out of here.

Q Carried you into Texas? A Yes sir.

Q That was a slave stated? A Yes sir.

Q Before the war? A After the war commenced, about '62 or '3.

Q So went to Texas himself? A Yes sir.

Q Took you with him? A Yes sir.

Q How long did you stay there? A I worked for him all the time while I was down there.

Q Then your brother, Alexander, sold? A Yes sir.

By Mr. Davonport:

Q Was that Sam Houch a resident of the State of Texas when the war broke out? A He was living here in the Territory when the war broke out.

Q Sam Houch is a brother of what they call Pate Houch, who is living here in town now? A Yes sir.

Q You know the reason why you are not on the roll of 1860 don't you? A Yes sir.

Q But that is because Sam Houch didn't bring you back until '68?

A It is because they wouldn't put me on.

Q Didn't Sam Houch bring you back here? A No sir.

Q You did not go with a company of men with a drove of cattle.

Q Who did Alexander go with?

Alexander Downing

Q Are you still a resident of Texas?

A Yes, sir.

Q How long have you been in Texas?

A Since the year 1968, sir.

Q Did you ever live in Texas before that?

A Yes, sir.

Q How long did you live in Texas before that?

A I don't know, sir.

Q Did you ever live in Texas before that?

A Yes, sir.

Q How long did you live in Texas before that?

A I don't know, sir.

Q How long did you live in Texas before that?

A I don't know, sir.

Q How long did you live in Texas before that?

A I don't know, sir.

Q How long did you live in Texas before that?

A I don't know, sir.

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Q How long did you live in Texas before that?

A I don't know, sir.

Q How long did you live in Texas before that?

A I don't know, sir.

Q How long did you live in Texas before that?

A I don't know, sir.

Q How long did you live in Texas before that?

A I don't know, sir.

Q How long did you live in Texas before that?

Alexander Downing 4

Q Did you make that? A I don't tell you, I don't know.
Q But you do know that the census enumerators went to their house?

A Yes sir.

Q About what time was that? A It was in 1880.

Q By Mr. Needles?

Q What relation is it to you are to Alexander Downing?

A I was his son by marriage.

Q Was Alexander Downing, Sr., the applicant's father, a slave?

A Yes sir.

Q Did he belong to a tribe? A He belonged to the Cherokee, I suppose, I am acquainted with his name, but I don't know he belonged to.

Q The Alexander Downing, Sr., taken out of the Cherokee Nation during the war? A Yes sir.

Q Where to? A Texas.

Q Were you taken out? A Yes sir.

Q You don't know when Alexander Downing, Sr., the father of the applicant, returned from Texas? A Yes sir.

Q What are the names of Alexander Downing's children? A Alex Downing, Andrew Downing, and Solomon Downing.

Q Are they all living? A Yes sir.

Q Examined by Mr. Devanport:

Q You and your husband didn't go to the same place, during the war, that this one's father did? A Yes sir.

Q You weren't married at that time? A Yes sir.

Q By Mr. Devanport:

Q Your husband did go to the same place where the applicant's father did? A I don't know.

Q He didn't return with him? A No sir.

Q By Mr. Needles:

Q Do you know of your own knowledge that he didn't return with, well that's all right, I want ask that question.

Q By Mr. Needles:

Q Did Alexander Downing live in the Cherokee Nation from the day of his return until his death? A Yes sir.

Q Many of those children were born in the State of Texas, any besides the applicant? A Yes sir.

Q Besides all the children were born here in the Cherokee Nation? A Yes sir.

Q Did Alexander Downing marry in Texas? A Yes sir.

Q Was his wife what is known as a state slave, or had she been a Cherokee slave? A She was a state slave.

Q What was her name? A Her name was Sarah.

Q Did she die? A Yes sir, she died during the war? A Yes sir.

Q Where did he go to? A I heard he went to Texas.

Q Did he return after the war? A Yes sir.

Q What year? A I don't know the year.

Q You found him in 1880 when you returned? A Yes sir.

Q To the Cherokee Nation? A Yes sir.

Q At that point? A Before he died.

Q Were there any children besides Samuel, Rebecca and Alexander?

A Any other children?

A Yes, my other children of the family? A Yes sir, there are about ten of his children.

Q The year 1880 was the census roll of 1880 was taken? A Yes sir, he has been here about twelve or thirteen years, just before the census came.

Q How did you know that the census roll of 1880? A Yes sir.

Q By Mr. Needles:

Q You don't know where he went? A Yes sir.

Q You don't know where he went? A Yes sir.

Q You don't know where he went? A Yes sir.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
OCT 4 1901

Alexander Downing

1860 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Wallace pay roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found thereon.

APPLICANT, ALEXANDER DOWNING, re-called, and further examined, by Don W. Needles:

Q You never drew any money at all? A No sir.

Q You have been living in the Cherokee Nation all your life? A All my life, as far as I can recollect.

Q Can you recollect being in Texas? A No sir, when I first remember I was living over on Grand River, with grandpa, he and my father both.

Q Who was your grandfather? A Reuben Downing.

Don W. Needles: Alexander Downing applies for the enrollment of himself; his name cannot be found nor can he be identified upon any of the rolls of the Cherokee Nation now in the possession of the Commission. He avers that he is a son of Alexander Downing, Sr., by his wife, Edie, who was what is known as a state woman; the name of his father cannot be found upon the authenticated roll of 1830; proof is made that his father was a slave, moved to the state of Texas, was carried to the State of Texas, and returned in the year 1866; that the applicant was born in the state of Texas, and returned when he was a minor, as that his father was a minor when he was taken to the State of Texas during the war; a satisfactory proof has been made as to the residence of the said Alexander Downing, and he will now be listed for enrollment as a Cherokee Freedman upon a doubtful case, awaiting further consideration of the Commission; he will be notified by mail of the action of the Commission, when arrived at.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 19, 1901.

(Signed) D. D. Green,
Commissioner.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this September 17th, 1901.

H. D. Green

Commissioner.

D. 669

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of..... A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

24 day of Sept., 1901.

A. S. McRea

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the.....day of..... A. D. 190...

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with the
DAVES COMMISSION.

SEP 24 1901

NOTICE!

IN THE MATTER OF the application of Thomas Downing
for enrollment as Cherokee citizens:

Case No. D. 669

To Thomas Downing or A. S. Moran his Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 1st 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell
N H Hastings
Attorneys for the Cherokee Nation.

File with case of Thomas Downing, C.F.-D.#669.

Supl. C.F.-D.#668.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER DOWNING as a Cherokee freedman, introduced on part of
Cherokee Nation:

APPEARANCES:

A. S. McRea, Attorney for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

M. W. COUCH, being duly sworn, testified as follows on
part of Cherokee Nation:

MR. DAVENPORT: What is your name? A M. W. Couch.

Q What is your post office, Mr. Couch? A Chelsea.

Q How old are you? A 59.

Q How long have you lived in the Cherokee Nation? A About 33
years.

Q Where did you live prior to coming to the Cherokee Nation?
A Texas, Russ County.

Q Who was your wife before you married? A She was a Wright,
Mary Wright.

Q Did you while living in Texas know a family of colored people
by the name of Downing? A Yes, sir.

Q Did you know what the name of the father of the family was?
(No response.)

Q Did you know Alexander Downing? A Yes, sir.

Q Well, where was you living when you first got acquainted with him?
A In Texas.

Q When did you first see Alexander Downing and get acquainted with
him? A '63.

Q Where was he living at that time? A Russ County, Texas.

Q Well, when did you move from Texas to the Cherokee Nation? A '68

Q Where was Alexander Downing living when you moved from Texas to
the Cherokee Nation? A Living in Texas.

Q Do you know whether or not he lived in Texas from the time you
got acquainted with him up to the time you moved to the Cherokee Na-
tion? A Yes, sir, he lived there.

Q He lived near you or near your family? A Yes, sir, worked for
us part of the time.

Mr. McRea: Mr. Couch, you say you first learned to know Alex-
ander Downing in the year 1863, I believe? A Yes.

Q Where was that at? A Russ County, Texas.

Q You knew nothing of him before then? A No, I can't say that I
did. I might have seen him before.

Q You don't know to whom he belonged? A Belonged to Mary Wright
or Lucy Wright.

Q Do you know that by your own knowledge? A No, sir, I got that
from the family.

Q How long had he been living in Texas before you learned to know
him? A I don't know.

Q Don't know when he went to Texas? A No.

Q Were you acquainted with his father? A I saw his father after
I came back here.

Q His father was here? A Yes, sir.

Q Were you acquainted with any members of his family, that is, his
brothers or sisters? A Oh, yes.

Q Do you know Zebada? A Zebada, Elias.

[illegible]

DEPARTMENT OF THE ARMY
COMMISSION TO THE EFFECT
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Q When did you learn to know Sebade? A After the war, he stayed here; I knew Elias down there at the same time I knew Aleck.

Q Well, did you ever see him any more after you left Texas in 1866?

A Yes, sir, I saw him in Texas after I moved from there, but I never have seen him here.

Q Never have seen him in the Cherokee Nation? A No, sir.

Q How long did you remain here before going back to Texas after you arrived in 1868? A Went back in the spring of '69.

Q Saw him there then? A Saw him there then.

Q Are you acquainted with his family? A No, I can't say that I am; I knew his wife at that time.

Q He had no children had he? A If he had I don't remember, the only way I remember Aleck in '69 is he broke horses for me and helped me about the cattle.

Q Do you know where Alexander Senior, I believe he is Senior, where was he in 1866? A I can't tell you; first I seen of him was after I moved to Pryor Creek and after I did saw Aleck and Elias.

Q You don't know where Alexander, Sr., was in 1866? A The old man, I don't know where he was; I never seen the old man as I know of after '68 after I moved back here.

Q Now, did I understand that you never saw the father of these children here in the Cherokee Nation in your life? A Not until after I come back; never seen him there or them either; if I saw Aleck I don't remember after I come back.

Commission: This testimony will be made part of the record in the following Cherokee Freedmen cases, #D.669, #D.670, #D.671, and #D.672.

---000000000---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 16th, 1901.

[Signature]

Commissioner.

Cher Fr D 670

Cher Fr D 670

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Department of the Interior,
Commission to the Five Civilized Tribes,
Cholera, I.T., June 11, 1901.

In the matter of the application of John Downing for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Answers:

Mr. A.S. McRea, for applicant;

Mr. Jas. Davenport, for the Cherokee Nation.

- Q What is your name? A John Downing.
Q How old are you? A 37 years old.
Q What is your post-office address? A Winita.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q You desire to enroll anybody but yourself? A No sir.
Q Are you married? A No sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A I don't know, sir.
Q Have you ever been recognized as a Cherokee Freedman that you know? A No sir.
Q Have you ever drawn any money? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

1894 census roll of citizens of the Cherokee Nation examined and applicant not found;

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found;

Wallace roll of citizens of the Cherokee Nation examined and applicant not found.


- Q Are you a brother of Alexander Downing? A Yes sir.
Q What was your father's name? A Alexander Downing, Sr.
Q Where were you born? A I was born in Delaware District.
Q Have you lived in the Cherokee Nation? A Yes sir.

Com'r Needles: John Downing applies for the enrollment of himself; his name cannot be found upon any of the rolls of the Cherokee Nation; he avers that he is a son of Alexander Downing, Sr., and a brother of Alexander Downing, who is a bona fide for enrollment D card 666, and the testimony taken in this case will be made part of the record in the case at law, and a copy of the same will be filed herewith; he makes satisfactory proof of residence; consequently, John Downing will be listed for enrollment as a Cherokee Freedman, on a doubtful card awaiting further consideration.

of the Commission; he will be notified at his post-office address, by mail, of the decision of the Commission when arrived at.

M. D. Brown, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes.

Subscribed and sworn to before me this June 12, 1901.



Commissioner

File 1172 S.F. D. 070, John Downing.

Confession of the Defendant,
John Downing, to the Court,
Chickasaw, S. F., I. T., June 11, 1901.

In the matter of the application of Alexander Downing for the
enrollment of himself as a Cherokee Indian, being a son of the
late John Downing, deceased, as testified as follows:

A. J. Cook, colored, for applicant;
J. L. Cook, colored, for the Cherokee Nation.

Q What is your name? A Alexander Downing.

Q How old are you? A 30.

Q What is your post-office address? A Keokuk,

Mississippi district of the Fifth U. S. District.

Q Do you desire to be enrolled as a Cherokee Indian? A Yes sir.

Q Who do you desire to enroll besides yourself? A Just us, and

I have got four brothers.

Q Are they all older than you? A Yes, they are all younger than me.

Q Are they all of age? A Yes sir.

Q They must enroll themselves, are you married? A Yes sir.

Q Do you apply for your wife? A No sir, she has been enrolled.

Q Have you ever been recognized by the Cherokee authorities as a

Cherokee Indian? A Not only to a certain extent.

Q In what manner in the fall of 1899? A Yes sir.

Q On any of the rolls? A Not that I know of.

Q Even in your name? A Yes sir.

Q Did you ever apply to the Cherokee authorities to be enrolled?

A Yes sir, my uncle told me.

Q You were refused were you? A Yes sir.

Q How long a while? A Yes sir, I wasn't, my father was.

Q What was your father's name? A Alex Downing.

Q Is he living? A No sir, he is dead.

Q What was your mother's name? A Alice.

Q Is she living? A No sir, they are both dead.

Q Was your father a slave? A Yes sir.

Q To whom did he belong? A I heard my uncle say he belonged to

Abraham Wright.

Q How long has your father been dead? A About 19 years.

Q How long has your mother been dead? A About the same.

Q Was she a slave? A Yes sir, she was a slave.

Examined by Attorney, A. J. Cook:

Q Where is the first recollection you have of yourself, where were

you? A I was living over here on my old river, with my father.

Q What is that, in the Cherokee Nation? A Yes sir.

Q Have you continually lived in the Cherokee Nation ever since

you have had any recollection of yourself? A Yes sir.

Q Are you acquainted with Zebulon Downing, who is on the enrollment

roll of 1899? A Yes sir.

Q Is he any relation to you? A He is my uncle.

Q Did he have the custody and control of bringing you up, and your

other brothers and sisters? A Yes sir, he raised us from the time

of my father's death up until I became grown and married.

Q Why is it that none of your brothers or sisters are upon

the enrollment roll? A Yes sir, I can't tell hardly why it is

that they haven't appeared, but I always heard one make applications

for us for enrollment.

Q What relation was your father to Zebulon Downing, and John Downing?

A They were brothers.

Q Did they belong to the same family as far as you ever heard? A

Yes sir.

ELIAS DOWNING, being sworn and examined by Counsel for record

testified as follows:

Q What is your name? A Elias Downing.

Q What is your age? A 48.

Alexander Downing

Q. That is your post-office address? A. Chicago.

Q. And you are a recognized citizen of the Cherokee Nation, is that right?

A. Yes sir.

Q. Is your name on the roll of 1832? A. Yes.

Q. How long have you lived there?

A. I am acquainted with the applicant here, Alexander Downing.

A. Yes sir.

Q. Is he any relation to you? A. Yes sir, I am his nephew.

Q. Then his father, Alexander Downing, was a brother of your father? A. Yes.

Q. And you and he both grew up in the same country? A. Yes sir.

Q. Did he get out of the Nation during the war? A. Yes sir.

Q. There is no one to tell me what he did.

A. Did he ever return? A. Yes sir, he returned.

Q. Did you go out to see him? A. Yes sir.

Q. When did you first see him? A. I returned home.

Q. What time did you return? A. I returned home in 1832.

Q. Was he a man when you saw him? A. Yes, he was a man when I saw him.

A. Yes sir, he was about 20 years old when he was taken out.

Q. Did I understand you to say that he followed of the Nation time at yourself? A. Yes sir.

Q. But prevented his returning at the same time as yourself? A. He was a slave down there, and he was working for his master when I left there.

Q. When did you know him in the territory after the war? A. It has been right about thirty years. I don't know just what year when I first saw him.

Q. Did he have a family? A. Yes sir, he had a family.

Q. Did he live continuously in the Cherokee Nation after his return from Texas? A. Yes sir, up till he died.

Q. He lived in the Nation, is that right? A. Yes sir.

Q. That roll was made by the Cherokee Nation, is that right? A. Yes sir.

Q. Can you show me the roll of 1832? A. Yes, I can.

Q. Now, does the name appear upon any of the rolls of the Cherokee Nation? A. Yes, it does. I don't know just what year they were taken through the roll, but I know that he was in the evidence, and that he was with my brother in giving in the evidence, and that he was with me.

Q. You state in your testimony that you and Alexander Downing were slaves and belonged to the same man? A. Yes sir.

Q. Do you mean that? A. Yes, I mean that.

Q. Was he a Cherokee? A. Yes sir.

Q. Well, the name of the man who was with him, and that he belonged to him, is that right? A. Yes sir.

Q. Carried you into Texas? A. Yes sir.

Q. That was a slave? A. Yes sir.

Q. Before the war? A. After the war commenced, about 1832.

Q. So went to Texas himself? A. Yes sir.

Q. Took you with him? A. Yes sir.

Q. Fired out of your hands? A. Yes, I fired him all the time while I was down there.

Q. Wasn't your brother, Alexander, sold? A. Yes sir.

Q. By Mr. Davenport.

Q. That man, San Couch, a resident of the State of Texas when the war broke out? A. He was in the territory when the war broke out.

Q. San Couch is a brother of your father, is that right? A. Yes sir.

Q. You know the name of the man who was on the roll of 1832? A. Yes sir.

Q. But that is because San Couch didn't bring you back until 1832?

A. It was because they wouldn't put me in.

Q. Didn't San Couch bring you back home? A. Yes sir.

Q. He did not come with you? A. Yes, he came with a drove of cattle.

Q. The old man, is that right? A. Yes sir.

Alexander Downing Jr

Q. Where did you go to school? A. To the State Normal School at Austin.

Q. And you were graduated from there? A. Yes sir.

Q. What time of the year did you graduate? A. It was about the middle of the year, in the fall.

Q. You don't know whether Sam Welch brought the father back or not? A. No, Sam Welch didn't bring him back, as I know of.

Q. Did you see him after or before Sam Welch brought him back? A. I don't know, as I don't know where he was before.

Q. Where were you living when Sam Welch brought the father back? A. I was living at home.

Q. Where was this applicant's father and the applicant living when Sam Welch brought him back? A. They were living in the State of Texas.

Q. They were living in Texas? A. Yes sir.

Q. This applicant was born in Texas, was he not? A. Yes sir, I think he was born there.

Q. Attorney A. B. Baker.

Q. Your brother was a minor when he was in Texas, was he not? A. Yes sir.

Q. And he was out sometime during '88 and '89? A. Yes sir.

Q. He married in Texas? A. Yes sir.

Q. And this applicant was born in Texas, was he not? A. Yes sir, I think he was born there.

Q. Attorney A. B. Baker.

Q. Now did you know this child when Alexander Downing came back from Texas to the State Normal School? A. I don't know just how old he was.

Q. Alexander bring this child with him? A. Yes sir.

Q. Did he bring his wife with him? A. Yes sir.

Q. Did this applicant's wife come along? A. Yes sir.

Q. I mean the applicant's father's wife? A. Yes sir.

Q. All right, he had married down there? A. Yes sir, he had married there.

Q. Now, nothing being sworn and testified to by the witness, submitted as follows:

Q. What is your name? A. Jennie Downing.

Q. What is your age? A. 42.

Q. What is your present address? A. Houston.

Q. In what district do you live? A. District.

Q. Are you a registered franchise officer of the American National Bank? A. Yes sir.

Q. Is your name on the authenticated roll of 1907? A. Yes sir.

Q. Attorney A. B. Baker.

Q. Are you acquainted with the late Sam Welch, Alexander Downing, Jr? A. Yes sir.

Q. How long have you known him? A. Oh, since a little bit of a long time.

Q. Where did you meet him? A. I met him at the State Normal School, Austin.

Q. Do you know where he returned after the State of Texas, after the war? A. Yes sir, I do not know just exactly when he returned.

Q. Did you have the care and bringing up of these children since? A. Yes sir.

Q. Are they the children of Alexander Downing and his wife? A. Yes sir.

Q. Are there any other children? A. Yes, but no other children, as far as I know.

Q. What appears upon the authenticated roll of 1907? A. Yes, it appears there.

Q. What relation is his father, Alexander Downing, to you? A. He is my father.

Q. Did you have any children ever since you were married? A. Yes, I have one child.

Q. What is his name? A. Alexander Downing, Jr.

Q. How long has he been with you? A. Since he was born.

Alexander Downing 4

of the Cherokee Nation? A I could not tell you, I can't know.

Q But you do know that the persons enumerated went to that agency?

A Yes sir.

Q About what time was that? A It was in 1880.

Q Now, recollect?

Q What relation did you say you are to Alexander Downing?

A I was his aunt by marriage.

Q Was Alexander Downing, Sr., the applicant's father?

A Yes sir.

Q Was he believed to? A He belonged to the whites, I suppose, I don't know, with his name, but that's who he belonged to.

Q Was Alexander Downing, Sr., taken out of the Cherokee Nation

during the war? A Yes sir.

Q Where was he taken?

A He was taken out of Texas.

Q Were you taken out? A Yes sir.

Q You don't know then what Alexander Downing, Sr., the father of

the applicant, returned from Texas? A Yes sir.

Q What are the names of Alexander Downing's children? A Alex Downing,

John, Thomas Downing, Andrew and Benjamin Downing.

Q Are they all living? A Yes sir.

Q You and your husband died, so is it now, during the war, that is a living father?

A Yes sir.

Q Now, married at that time? A Yes sir.

Q Now, your husband is in the place where the applicant's

father died? A I don't know.

Q He didn't return with him? A Yes sir.

Q No, you know of your own knowledge that he didn't return with

well that's all right, I won't ask that question.

Q Now, recollect?

Q Did Alexander Downing live in the Cherokee Nation from the day

of his return until his death? A Yes sir.

Q Many of these children were born in the State of Texas, and

besides the applicant? A Yes sir.

Q Because of the child on whom turn here in the Cherokee Nation

A Yes sir.

Q Did you Alexander Downing marry in Texas? A Yes sir.

Q Was his wife what is known as a state woman, or had she been a

Cherokee slave? A She was a state woman.

Q Now, recollect, called on her father?

A Yes sir.

Q Where did he go to? A I heard he went to Texas.

Q Did he return after the war? A Yes sir.

Q That was in 1880? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q At that point? A Below the District.

Q Were there any children besides, besides and Alexander?

A Yes, with him was one.

Q Now, any other children of the family? A In 1880, there was

about ten of us children.

Q Now, recollect, recollect, the census of 1880 was taken

A Yes sir, he has been dead about twelve or thirteen years.

Q Before the Wallcut court?

A Yes sir, he was about 1880, he was about 1880.

Q Now, recollect, he was about 1880, he was about 1880.

A Yes sir.

Q Now, recollect, he was about 1880, he was about 1880.

A Yes sir.

Q Now, recollect, he was about 1880, he was about 1880.

A Yes sir.

Q Now, recollect, he was about 1880, he was about 1880.

A Yes sir.

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Oct 11 1901
ALEXANDER D. SWINEY 5

1896 Census roll of citizens of the Cherokee Nation examined and applicant not found thereon.
Wallace pay roll of citizens of the Cherokee Nation examined and applicant not found thereon.
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found thereon.

APPLICANT, ALEXANDER DOWNING, re-called, and further examined. By Court's recollection:
Q. You ever drew any money at all? A. No sir.
Q. You have been living in the Cherokee Nation since you left your wife? A. All my life, so far as I can recollect.
Q. Can you recollect being in Texas? A. No sir, when I first remember I was living over on Grand River, with Grandpa, he and my father both.

Q. Who was your grandfather? A. Reuben Downing.
Court's recollection: Alexander Downing applied for the enrollment of himself; his name cannot be found nor can he be identified upon any of the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he is a son of Alexander Downing, Sr., by his wife, Reba, who was what is known as a state woman; the date of his birth cannot be determined upon the authenticated roll of 1890; proof is made that his father was a slave, moved to the state of Texas, was carried to the State of Texas, and returned in the year 1856; that the applicant was born in the State of Texas, and returned when he was a minor, and that his father was a minor when he was taken to the State of Texas during the war; satisfactory proof has been made as to the residence of the said Alexander Downing, and he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card; awaiting further consideration of the Commission; he will be notified by mail of the action of the Commission, when arrived at.

V. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) V. D. Green.

Subscribed and sworn to before me this June 19, 1901.

(Signed) T. B. Needles,
Commissioner.

V. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original transcript.

(Signed) V. D. Green

Subscribed and sworn to before me this September 17th, 1901.

R. R. Buchanan

(Signed) R. R. Buchanan,
Commissioner.

D. ~~670~~ 670

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 190....

Given under my hand this.....
day of..... A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of **SEP 23 1901**, 190....

A. S. McRae
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the..... day of..... A. D. 190....

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with the
LANDS COMMISSION.

SEP 24 1901

NOTICE!

IN THE MATTER OF the application of John Downing

for enrollment as Cherokee citizens:

Case No. D 670

To John Downing or A. S. McRae his Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 21st 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L. B. Bell.
W. W. Hastings
Attorneys for the Cherokee Nation.

File with case of John Downing, C.F.-D.#670.

Supl. C.F.-D.#668.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VICTA, I.T., DOCTOR'S 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER DOWNING as a Cherokee freedman, introduced on part of
Cherokee Nation:

APPEARANCES:

A. S. McRea, Attorney for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

H. W. COUCH, being duly sworn, testified as follows on
part of Cherokee Nation:

MR. DAVENPORT: What is your name? A M. W. Couch.

Q What is your post office, Mr. Couch? A Chelsea.

Q How old are you? A 59.

Q How long have you lived in the Cherokee Nation? A About 33
years.

Q Where did you live prior to coming to the Cherokee Nation?

A Texas, Russ County.

Q Who was your wife before you married? A She was a Wright,
Mary Wright.

Q Did you while living in Texas know a family of colored people
by the name of Downing? A Yes, sir.

Q Did you know what the name of the father of the family was?
(No response.)

Q Did you know Alexander Downing? A Yes, sir.

Q Well, where was you living when you first got acquainted with him?

A In Texas.

Q When did you first see Alexander Downing and get acquainted with
him? A '63.

Q Where was he living at that time? A Russ County, Texas.

Q Well, when did you move from Texas to the Cherokee Nation? A '68.

Q Where was Alexander Downing living when you moved from Texas to
the Cherokee Nation? A Living in Texas.

Q Do you know whether or not he lived in Texas from the time you
got acquainted with him up to the time you moved to the Cherokee Na-
tion? A Yes, sir, he lived there.

Q He lived near you or near your family? A Yes, sir, worked for
us part of the time.

Mr. McRea: Mr. Couch, you say you first learned to know Alex-
ander Downing in the year 1863, I believe? A Yes.

Q Where was that at? A Russ County, Texas.

Q You knew nothing of him before then? A No, I can't say that I
did. I might have seen him before.

Q You don't know to whom he belonged? A Belonged to Mary Wright
or Lucy Wright.

Q Do you know that on your own knowledge? A No, sir, I got that
from the family.

Q How long had he been living in Texas before you learned to know
him? A I don't know.

Q Don't know when he came to Texas? A No.

Q Were you acquainted with his father? A I saw his father after
I came back here.

Q His father was here? A Yes, sir.

Q Were you acquainted with any members of his family, that is, his
brothers or sisters? A Oh, yes.

Q Do you know Zebedel? A Zehede, Elias.

1. The defendant is not a resident of the State of New York at the time of the commission of the offense.

It was found that the
most of the children
were of the same age
and were of the same
sex.

[illegible]

DEPARTMENT OF COMMERCE
COMMISSION TO THE FIVE
FIVE
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Q When did you learn to know Eubeda? A After the war, he stayed here; I knew Elias down there at the same time I knew Aleck.
 Q Well, did you ever see him any more after you left Texas in 1868?
 A Yes, sir, I saw him in Texas after I moved from there, but I never have seen him here.
 Q Never have seen him in the Cherokee Nation? A No, sir.
 Q How long did you remain here before going back to Texas after you arrived in 1868? A Went back in the spring of '69.
 Q Saw him there then? A Saw him there then.
 Q Are you acquainted with his family? A No, I can't say that I am; I knew his wife at that time.
 Q He had no children and he? A If he had I don't remember, the only way I remember Aleck in '69 is he broke horses for me and helped me about the cattle.
 Q Do you know where Alexander Senior, I believe he is Senior, where was he in 1868? A I can't tell you; first I seen of him was after I moved to Pryor Creek and after I did see Aleck and Elias.
 Q You don't know where Alexander, Sr., was in 1868? A The old man, I don't know where he was; I never seen the old man as I know of after '68 after I moved back here.
 Q Now, did I understand that you never saw the father of these children here in the Cherokee Nation in your life? A Not until after I come back; never seen him there or them either; if I saw Aleck I don't remember after I come back.

Commissioner: This testimony will be made part of the record in the following Cherokee Freedmen cases, #D.669, #D.670, #D.671, and #D.672.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 16th, 1901.

[Signature]

Commissioner.

NOTICE!

IN THE MATTER OF the application of Jesse Rose,
for enrollment as Cherokee Freedmen:
Case No. F. D. 670

To Jesse Rose, or Mellette & Smith, his Attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 3rd, 1902.. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 26, 1902.

L B Bell

W. W. Hastings

Jesse Rose
Attorneys for the Cherokee Nation.

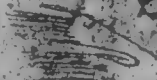
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COMMISSION TO THE
JUN 19 1901



Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Andrew Downing for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. A. S. McRea, for the applicant;

Mr. Jas. Davenport, for the Cherokee Nation.

- Q What is your name? A Andrew Downing.
Q How old are you? A 23.
Q What is your post-office address? A Ketchum.
Q What district do you live in? A Delaware District.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q What is your father's name? A Alexander Downing.
Q Is he living? A No sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A No sir, I reckon not.
Q You never drew any money from the Cherokee Nation? A No sir.
Com'r: Rolls of the Cherokee Nation examined and name of Andrew Downing not found thereon.

- Q Have you a brother named Alexander Downing? A Yes sir.
Q Is he the Alexander Downing that applied for enrollment this morning? A Yes sir.
Q Have you got any family? A No sir.
Q Not married? A No sir.

Com'r Needles: Andrew Downing applies for the enrollment of himself; his name cannot be found upon any of the rolls of the Cherokee Nation now in the possession of the Commission; he makes satisfactory proof as to residence; he swears that he is son of Alexander Downing, Sr., and a brother of Alexander Downing, Jr., who was this day listed for enrollment on D card 668, and a copy of the testimony in said case will be made a part of the record in the case at bar, and a copy thereof filed herewith; said Andrew Downing will not be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting the further consideration of the Commission; he will be notified by mail of the decision of the Commission when arrived at.

M. D. O'Keefe, being first duly sworn, states that an stenographer of the Commission to the Five Civilized Tribes has correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 12, 1901.



Commissioner

File 112, C. A. No. 271, Andrew Downing.

Department of the Interior,
Commissioner of the General Land Office,
Chicago, Ill., June 11, 1901.

In the matter of the application of Alexander Downing for the enrollment of himself as a Cherokee Indian, being such an examination of Commissioner of the Interior, he testified as follows:

A. S. Olan, (deposition for applicant)

Q What is your name? A Alexander Downing.
Q How old are you? A 32.
Q What is your occupation? A I am a Ketchikan.
Q What district do you live in? A Delaware.
Q You desire to be enrolled as a Cherokee Indian? A Yes sir.
Q What do you desire to enroll besides yourself? A Just us, and
I have got four brothers.
Q Are they all older than you? A They are all younger than me.
Q Are they all of ancestry? A Yes sir.
Q They must enroll themselves, are you married? A Yes sir.
Q Do you apply for your wife? A No sir, she has been enrolled.
Q Have you ever been employed by the Cherokee authorities as a
Cherokee Indian? A Yes sir, to a certain extent.
Q Is your name on the roll of 1880? A Yes sir.
Q On any of the rolls? A Not that I know of.
Q Have you ever done any money? A No sir.
Q Did you ever apply to the Cherokee authorities to be enrolled?
A Yes sir, my uncle never.
Q You were refused were you? A Yes sir.
Q You was a slave? A No sir, I wasn't, my father was.
Q What was your father's name? A Alex Downing.
Q Is he living? A No sir, he is dead.
Q What was your mother's name? A Fannie.
Q Is she living? A No sir, they are both dead.
Q Was your father a slave? A Yes sir.
Q To whom did he belong? A I heard my uncle say he belonged to
Eliza Wright.
Q How long has your father been dead? A About 15 years.
Q How long has your mother been dead? A About the same.
Q Was she a slave? A Yes sir, she was a slave.
Examined by Attorney, A. S. Olan:
Q There is the first recollection you have of yourself, where were
you? A I was living over here in the river, with my father.
Q Where is that, in the Cherokee? A Yes sir.
Q Have you continuously lived in the Cherokee Nation ever since
you have had any recollection of yourself? A Yes sir.
Q Are you acquainted with Zebulon Downing, he is on the authori-
tative roll of 1880? A Yes sir.
Q Is he any relation to you? A He is my uncle.
Q Did he have the care and custody of bringing you up, and your
other brothers and sisters? A Yes sir, he raised us from the time
of my father's death up until I became grown and married.
Q Why is it that none of your brothers or sisters are upon
the authoritative roll of 1880? A I can't tell hardly why it is
that they can't appear, but I always had a good and make applications
for us for enrollment.
Q What relation was your father to Zebulon Downing, and Alex Down-
ing? A They were brothers.
Q Did they come to the same way as, so far as you ever heard? A
No reply.
ELIAS DOWNING, being sworn and examined by Commissioner of the Interior
testified as follows:
Q What is your name? A Elias Downing.
Q What is your occupation?

Alexander Downing?

Q. What is your post-office address? A. Chelsea.

Q. Are you a recognized citizen of the Cherokee Nation, Freedman?

A. Yes sir.

Q. Is your name on the roll of 1880? A. Yes sir.

Q. A. Yes sir.

Q. Are you acquainted with the applicant here, Alexander Downing?

A. Yes sir.

Q. Is he any relation to you? A. Yes sir, I am his uncle.

Q. Then, is father Alexander Downing was a brother of yours? A. Yes sir, my brother.

Q. Did you and he belonged to the same company? A. Yes sir.

Q. Did he go out of the nation during the war? A. Yes sir.

Q. Where did he go to? A. He went to Texas.

Q. Did he ever return? A. Yes sir, he returned.

Q. Did he go out of the nation? A. Yes sir.

Q. Was he married first, before or after? A. I returned first.

Q. What time did you return? A. I returned home in 1865.

Q. Was he a soldier? A. He was a soldier during the war, your brother.

Q. Yes sir, he was about 10 years old when he was taken out.

Q. Did I understand you to say that he remained at the home time as yourself? A. Yes sir.

Q. That prevented his returning at the same time as yourself? A. He was a slave down there, and he was working for his father when I left there.

Q. When did you first see him in the Territory after the war? A. It has been right about thirty years, I don't know just what year when I first saw him.

Q. Did he have a family? A. Yes sir, he had a family.

Q. Did he live continuously in the Cherokee Nation after his return from Texas? A. Yes sir, up till he died.

Q. He lived and died in the Cherokee Nation? A. Yes sir.

Q. What relation was he to Rebecca Downing, who appears upon the authenticated roll of 1880? A. Her brother.

Q. Can you state why it is that the name of your brother, Alexander Downing, does not appear anywhere of the roll of the Cherokee Nation? A. I don't know, I don't know that through the will of God there was some kind of mistake with my brother in giving in the evidence, some kind of mistake, I don't know just what.

Q. Can't you recall?

Q. You state in your testimony that you and Alexander Downing were slaves and belonged to the same owner? A. Yes sir.

Q. He was that? A. Yes sir, he belonged to Elias Wright.

Q. Was he a Cherokee citizen? A. Yes sir.

Q. Tell me, next? A. The wife of Elias Wright, and then we belonged to her daughter, Maria, a man named Sam Couch, that's who carried us out of here.

Q. Carried you into Texas? A. Yes sir.

Q. That was a slave state? A. Yes sir.

Q. Before the war? A. After the war commenced, about '62 or '63.

Q. He went to Texas himself? A. Yes sir.

Q. Took you with him? A. Yes sir.

Q. Lived out there down there? A. Yes sir, I looked for him all the time while I was down there.

Q. Wasn't your brother, Alexander, with? A. No sir.

Q. Mrs. Davidson?

Q. Was that Sam Couch a resident of the State of Texas when the war broke out? A. He was living here in the Territory when the war broke out.

Q. Sam Couch is a brother of what they call Kate Couch, who is living here in Texas now? A. Yes sir.

Q. You know the reason why you are not on the roll of 1880 don't you? A. Yes sir.

Q. And that it is because Sam Couch didn't bring you back until '68? A. It is because they wouldn't put me on.

Q. Didn't Sam Couch bring you back here? A. No sir.

Q. How did you come with? A. Came by myself, with a drove of cattle.

Q. How did Alexander come with? A. I don't know.

Alexander Downing S

Q The case after you came? A Yes sir.

Q And you came back in 1866? A Yes sir.

Q And in 1866 you came back? A Yes sir.

Q What time of the year in '66 did you come? A It was along through the summer and fall.

Q You don't know whether Sam Couch brought his father back or not?

A No, Sam Couch didn't bring him back, as I know of.

Q Did you come after or before Sam? A Well if I come in '86 I must have come before.

Q Where were you living when Sam lived in the State of Texas? A I was down there.

Q Where was this applicant's father and the applicant living when Sam lived in the State of Texas? A They were living there I suppose.

Q They were living in Texas? A Yes sir.

Q This applicant was born in Texas wasn't he? A Yes sir, I think he was born there.

By Attorney A. S. McLean:

Q Your brother was a minor when he went to Texas was he? A Yes sir.

Q And he went out sometime during '63 and '64? A Yes sir.

By Mr. Davanport:

Q He married in Texas? A Yes sir.

Q And this applicant here was born in Texas while he was living there after he was married? A Yes sir.

By Mr. McLean:

Q How old was this child when Alexander Downing came back from Texas to the Cherokee Nation? A I don't know just how old he was.

Q Alexander bring this child along with him? A Yes sir.

Q Did he bring his wife with him, his own wife? A Yes sir.

Q Did this applicant's wife come along? A No sir.

Q I mean the applicant's father's wife? A Yes sir.

Q Although he had married down there? A Yes sir, he had married there.

By Mr. Downing, sworn and examined by Mr. McLean, testified as follows:

Q What is your name? A Jennie Downing.

Q What is your age? A 42.

Q What is your post-office address? A Ketchum.

Q In what district do you live? A Delaware.

Q Are you a recognized Freedman citizen of the Cherokee Nation?

A Yes sir.

Q Is your name on the authenticated roll of 1860? A Yes sir.

By Attorney A. S. McLean:

Q Are you acquainted with the applicant here, Alexander Downing, Jr?

A Yes sir.

Q How long have you known him? A Oh ever since a little bit of a boy.

Q Were you acquainted with his father, Alexander Downing, Sr.?

A Yes sir.

Q Do you know when he went and from the State of Texas, after the war? A No sir, I do not know just exactly when he returned.

Q Did you have the care and bring up of these children also?

A Yes sir.

Q Are they the children of Alexander Downing and Edie Downing? A Yes sir.

Q Are there any relations of your first husband, Reuben Downing, whose name appears upon the authenticated roll of 1860? A No is their uncle.

Q What relation is his father, Alexander Downing, to your husband Reuben Downing? A Both brothers.

Q Did the census enumerators ever come to your house during the time you had the custody of these children? A No sir, their father was living at that time.

Q As to their father's name? A Yes sir.

Q You know why it is that none of their names appear upon the rolls?

Alexander Downing 4.

Q of the Cherokee Nation? A I don't know if you can't know.
Q But you do know that the census enumerators went to that place?
A Yes sir.
Q About what time was that? A It was in 1880.
By Mr. Needles:
Q What relation is you and you are to Alexander Downing?
A I was his aunt by marriage.
Q Was Alexander Downing, Sr., the applicant's father, a slave?
A Yes sir.
Q Who did he belong to? A He belonged to the Wrights, I suppose.
I am acquainted with his owners, but that's who he belonged to.
Q Was Alexander Downing, Sr., taken out of the Cherokee Nation
during the war? A Yes sir.
Q Where was he taken? A Texas.
A Where was he taken? A Yes sir.
Q You don't know when Alexander Downing, Sr., the father of
the applicant, returned from Texas? A Yes sir.
Q What are the names of Alexander Downing's children? A Alex Downing,
Charles, Thomas Downing, Andrew and Helen Downing.
Q Are they all living? A Yes sir.
Examined by Mr. Needles:
Q You and your husband didn't go to a slave place, during the war,
that this was a father? A No sir.
Q You weren't married at that time? A No sir.
By Mr. Needles:
Q Did your husband go to Texas to place where the applicant's
father was? A I don't know.
Q He didn't return with him? A Yes sir.
Q Do you know of your own knowledge that he didn't return with
well that's all right, I don't ask that question.
By Mr. Needles:
Q Did Alexander Downing live in the Cherokee Nation from the day
of his return until his death? A Yes sir.
Q Is many of those children were born in the State of Texas, any
besides the applicant? A Yes sir.
Q A number of the children were born here in the Cherokee Nation?
A Yes sir.
Q Did Alexander Downing marry in Texas? A Yes sir.
Q Was his wife what is known as a slave, or had she been a
Cherokee slave? A She was a slave.
ELIAS DOWNING, a citizen and juror of the Cherokee Nation,
By Mr. Needles:
Q Mr. Downing, did your brother go out during the war? A Yes sir.
Q Where did he go to? A I heard he went to Texas.
Q Did he return after the war? A Yes sir.
Q What year did he return? A Yes sir.
Q You found him in the Cherokee Nation? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q At that point? A Delaware District.
Q Were there any children besides Charles, Andrew and Alexander?
A Any other children of the family? A Oh yes sir, there was
about ten of us children.
Q Was your father ever before the census roll of 1880 was taken?
A Yes sir, he was born about twelve or thirteen years, just
before the Civil War.
Q Does his name appear upon the census roll of 1880? A Yes
sir.
By Mr. Needles:
Q You didn't go out with your father? A No sir.
Q You went south and your father went north? A Yes sir.
1880 authenticated roll of citizens of the Cherokee Nation
examined and applicant not identified there at.

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON TO THE FIVE CIVILIZED
OCT 4 1901

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F. D. 678.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of..... A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

24 day of Sept., 1901...

J. M. McLean

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the.....day of..... A. D. 190...

Subscribed and sworn to before me
this.....

Notary Public.

Proof of Service made
and original filed with the
DAVES COMMISSION.

SEP 24 1901

NOTICE!

IN THE MATTER OF the application of Andrew Downing
for enrollment as Cherokee citizens:

Case No. D 871

To Andrew Downing or A. S. McRae his Agt. Atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 12th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 21st 1901.

L B Bell
M. W. Harrison
Attorneys for the Cherokee Nation.

File with case of Andrew Downing, C.F.-D.#671.

Supl.C.F.-D.#668.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINING, L.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER DOWNING as a Cherokee freedman, introduced on part of
Cherokee Nation:

APPEARANCES:

A. S. McKee, Attorney for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

M. W. COUCH, being duly sworn, testified as follows on
part of Cherokee Nation:

MR. DAVENPORT: What is your name? A M. W. Couch.

Q What is your post office, Mr. Couch? A Chelsea.

Q How old are you? A 59.

Q How long have you lived in the Cherokee Nation? A About 33
years.

Q Where did you live prior to coming to the Cherokee Nation?
A Texas, Russ County.

Q Who was your wife before you married? A She was a Wright,
Mary Wright.

Q Did you while living in Texas know a family of colored people
by the name of Downing? A Yes, sir.

Q Did you know what the name of the father of the family was?
(No response.)

Q Did you know Alexander Downing? A Yes, sir.

Q Well, where was you living when you first got acquainted with him?
A In Texas.

Q When did you first see Alexander Downing and get acquainted with
him? A '63.

Q Where was he living at that time? A Russ County, Texas.

Q Well, when did you move from Texas to the Cherokee Nation? A '68.

Q Where was Alexander Downing living when you moved from Texas to
the Cherokee Nation? A Living in Texas.

Q Do you know whether or not he lived in Texas from the time you
got acquainted with him up to the time you moved to the Cherokee Na-
tion? A Yes, sir, he lived there.

Q He lived near you or near your family? A Yes, sir, worked for
us part of the time.

MR. MCKEE: Mr. Couch, you say you first learned to know Alex-
ander Downing in the year 1863, I believe? A Yes.

Q Where was that at? A Russ County, Texas.

Q You knew nothing of him before then? A No, I can't say that I
did. I might have seen him before.

Q You don't know to whom he belonged? A Belonged to Mary Wright
or Lucy Wright.

Q Do you know that on your own knowledge? A No, sir, I got that
from the family.

Q How long had he been living in Texas before you learned to know
him? A I don't know.

Q Don't know when he went to Texas? A No.

Q Were you acquainted with his father? A I saw his father after
I came back here.

Q His father was here? A Yes, sir.

Q Were you acquainted with any members of his family, that is, his
brothers or sisters? A Oh, yes.

Q Do you know which? A Zebiah, Elias.

notes appearing
relating to a fund for company and instruction of his students
received the permission and instructions in this case, and that the
absence of the committee for the purpose of the visit was not
a sufficient reason for the absence of the committee.

LTJAO 45-241-1118 40-605
 located in the following CHA-CHA location areas, 40-605
 quantities for the following CHA-CHA location areas, 40-605

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DEPARTMENT OF THE INTERIOR
MISSION TO THE FIVE CIVIL
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OCT 17 1901

Q When did you learn to know Sebec? A After the war, he stayed here; I know Elias down there at the same time I knew Aleck.
 Q Well, did you ever see him any more after you left Texas in 1868?
 A Yes, sir, I saw him in Texas after I moved from there, but I never have seen him here.
 Q Never have seen him in the Cherokee Nation? A No, sir.
 Q How long did you remain here before going back to Texas after you arrived in 1868? A Went back in the spring of '69.
 Q Saw him there then? A Saw him there then.
 Q Are you acquainted with his family? A No, I can't say that I am; I knew his wife at that time.
 Q He had no children had he? A If he had I don't remember, the only way I remember Aleck in '69 is he broke horses for me and helped me about the cattle.
 Q Do you know where Alexander Senior, I believe he is Senior, where was he in 1868? A I can't tell you; first I seen of him was after I moved to Pryor Creek and after I did see Aleck and Elias.
 Q You don't know where Alexander, Sr., was in 1868? A The old man, I don't know where he was; I never seen the old man as I know of after '68 after I moved back here.
 Q Now, did I understand that you never saw the father of these children here in the Cherokee Nation in your life? A Not until after I come back; never seen him there or there either; if I saw Aleck I don't remember after I come back.

Commission: This testimony will be made part of the record in the following Cherokee Freedmen cases, #D.669, #D.670, #D.671, and #D.672.

—hoo000000—

I, G. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

G. Rossen

Subscribed and sworn to before me this October 16th, 1901.

[Signature]

Commissioner.

107

Cher Fr D 672

Cher Fr D 672

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I.T., June 11, 1901.

In the matter of the application of Solomon Downing for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

A. S. McRae, Esq., for the applicant;
Mr. Jas. Davenport, for the Cherokee Nation.

- Q What is your name? A Solomon Downing.
Q How old are you? A 21.
Q What is your post-office address? A Catale.
Q What district do you live in? A Coowaseogee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Want to enroll anybody but yourself? A No sir.
Q Are you married? A No sir.
Q What is your father's name? A Alexander Downing.
Q Where were you born? A Delaware District.
Q You always lived in the Cherokee Nation? A Yes sir.
Q All your life? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A No sir.
Q Never drew any money? A No sir.
Com'r. Neelie of the Cherokee Nation examined and name of applicant in said Solomon Downing now found thereon.
Q Have you a brother named Alexander Downing, Jr.? A Yes sir.
Q Is he the Alexander Downing who was listed for enrollment this morning? A Yes sir.

Com'r. Needles: Solomon Downing applies for the enrollment of himself, and makes satisfactory proof as to residence; his name cannot be found upon the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he is a son of Alexander Downing Sr., and brother of Alexander Downing, Jr., who has this day been listed for enrollment as a Cherokee Freedman on D card 558, and the testimony in said case will be made part of the record in the case at bar, and a copy thereof filed herewith; and said Solomon Downing will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration of the Commission; he will be notified by mail of the decision of the Commission when arrived at.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereon.

Subscribed and sworn to before me this June 20, 1901.



Commissioner.

File with C.P. D. 678, Solomon Downing.

Department of the Interior,
Commissioner of the Civilized Tribes,
Cherokee, P. M. I. T., June 11, 1901.

In the matter of an application of Alexander Downing for the enrollment of himself as a Cherokee Freedman, being sworn and examined by Commissioner Neches, he testified as follows:

Appearances:

A. M. Necha, (colored) for applicant;

Mr. James Davenport, for the Cherokee Nation.

- Q What is your name? A Alexander Downing.
Q How old are you? A 33.
Q What is your post-office address? A Ketchum.
Q What district do you live in? A Delaware.
Q You desire to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself? A Just me, and I have got four brothers.
Q Are they all older than you? A They are all younger than me.
Q Are they all of age? A Yes sir.
Q They must enroll themselves, are you married? A Yes sir.
Q Do you apply for your wife? A No sir, she has been enrolled.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Not only to a certain extent.
Q Is your name on the roll of 1880? A No sir.
Q On any of the rolls? A Not that I know of.
Q Ever draw any money? A No sir.
Q Did you ever apply to the Cherokee authorities to be enrolled? A Yes sir, my uncle have.
Q You were refused were you? A Yes sir.
Q Were you a slave? A No sir, I wasn't, my father was.
Q What was your father's name? A Alex Downing.
Q Is he living? A No sir, he is dead.
Q What was your mother's name? A Edler.
Q Is she living? A No sir, they are both dead.
Q Was your father a slave? A Yes sir.
Q To whom did he belong? A I heard my uncle say he belonged to Eliza Wright.
Q How long has your father been dead? A About 19 years.
Q How long has your mother been dead? A About the same.
Q Was she a slave? A Yes sir, she was a slave.
Examined by Attorney, A. M. Necha:
Q Where is the first recollection you have of yourself, where were you? A I was living over here on Grand river, with my grandfather.
Q There is that, in the Cherokee Nation? A Yes sir.
Q Have you continually lived in the Cherokee Nation ever since you have had any recollection of yourself? A Yes sir.
Q Are you acquainted with Zebulon Downing, who is on the authenticated roll of 1880? A Yes sir.
Q Is he any relation to you? A He is my uncle.
Q Did he have the care and custody of bringing you up, and your other brothers and sisters? A Yes sir, he raised me from the time of my father's death up until I became grown and married.
Q Why is it that none of your or your brothers names are upon the authenticated roll do you know? A I can't tell, hardly why it is that they don't appear, he has always been a name one make applications for us for enrollment.
Q What relation was your father to Zebulon Downing, and Elias Downing? A They were brothers.
Q Did they belong to the same family, as far as you ever heard? A (No reply.)
ELIAS DOWNING, being sworn and examined by Commissioner Neches testified as follows:
Q What is your name? A Elias Downing.
Q What is your age? A 35.

Alexander Downing?

Q What is your post-office address? A Chelsea.

Q Are you a recognized citizen of the Cherokee Nation, Freedman?

A Yes sir.

Q Is your name on the roll of 1890? A Yes sir.

Q Attorney A. J. Davenport?

Q Are you acquainted with the applicant here, Alexander Downing?

A Yes sir.

Q Is there any relation to you? A Yes sir, I am his uncle.

Q Then his father Alexander Downing was a brother of yours? A Yes sir, own brother.

Q Did you and he belonged to the same owners? A Yes sir.

Q Did he go out of the nation during the war? A Yes sir.

Q Where did he go to? A He went to Texas.

Q Did he ever return? A Yes sir, he returned.

Q Did you go out yourself? A Yes sir.

Q Who returned first, he or yourself? A I returned first.

Q What time did you return? A I returned here in '66.

Q Was he a man when he was taken out during the war, your brother?

A Yes sir, he was about 15 years old when he was taken out.

Q Did I understand you to say that he returned at the same time as yourself? A No sir.

Q What prevented his returning at the same time as yourself? A He was slave down there, and he was working for his owners when I left there.

Q When did you first see him in the Territory after the war? A It has been right about thirty years, I don't know just what year when I first saw him.

Q Did he have a family? A Yes sir, he had a family.

Q Did he live continuously in the Cherokee Nation after his return from Texas? A Yes sir, up till he died.

Q He lived and died in the Cherokee Nation? A Yes sir.

Q What relation was he to Zebedee Downing, who appears upon the authenticated roll of 1890? A Own brother.

Q Can you state why it is that the name of your brother, Alexander, Downing, does not appear upon any of the rolls of the Cherokee Nation? A Not exactly, I can't; it seems that through the Fall of court there was some kind of mistake made with my brother in giving in the evidence, some kind of mistake, I don't know just what.

Q Can't recollect.

Q You state in your testimony that you and Alexander Downing were slaves and belonged to the same man? A Yes sir.

Q Who was that? A We first belonged to Eliza Wright.

Q Was she a Cherokee citizen? A Yes sir.

Q Well, who next? A She was a widow woman, and then we belonged to her daughter, Maria, a man named Sam Couch, that's who carried us out of here.

Q Carried you into Texas? A Yes sir.

Q That was a slave state? A Yes sir.

Q Before the war? A After the war commenced, about '62 or '3.

Q He went to Texas himself? A Yes sir.

Q Took you with him? A Yes sir.

Q Hired out with him? A No sir, I worked for him all the time while I was down there.

Q Wasn't your brother, Alexander, sold? A No sir.

Q By Mr. Davenport.

Q Was that Mr. Sam Couch a resident of the State of Texas when the war broke out? A He was living here in the Territory when the war broke out.

Q Sam Couch is a brother of what they call Pats Couch, who is living here in both now? A Yes sir.

Q You know the reason why you are not on the roll of 1890 don't you? A Yes sir.

Q And that it is because Sam Couch didn't bring you back until '68?

A It is because they wouldn't put me on.

Q Didn't Sam Couch bring you back here? A No sir.

Q Who did you come with? A Only by myself, with a drove of cattle.

Q Who did Alexander come with? A I don't remember.

Alexander Downing 3

Q. How long after you came? A. Yes sir.

Q. And you came back in '60? A. Yes sir.

Q. And he got some of the land? A. Yes sir.

Q. That was of the year in '60 did you come? A. It was along through the summer and fall.

Q. You don't know whether Sam Ouch brought his father back or not?

A. No, Sam Ouch didn't bring him back, as I know of.

Q. Did you come after or before Sam? A. Well if I came in '60 I must have come before.

Q. Where were you living when Sam lived in the State of Texas? A. I was down there.

Q. Where was this applicant's father and the applicant living when Sam lived in the State of Texas? A. They were living there I suppose.

Q. They were living in Texas? A. Yes sir.

Q. This applicant was born in Texas wasn't he? A. Yes sir, I think he was born there.

By Attorney A. S. Moore:

Q. Your brother was a minor when he went to Texas was he? A. Yes sir.

Q. And he went out sometime during '62 and '63? A. Yes sir.

By Mr. Davenport:

Q. He married in Texas? A. Yes sir.

Q. And this applicant here was born in Texas while he was living there after he was married? A. Yes sir.

By Court Recorders:

Q. How old was this child when Alexander Downing came back from Texas to the Cherokee Nation? A. I don't know just how old he was.

Q. Alexander bring this child Alex with him? A. Yes sir.

Q. Did he bring his wife with him, his own wife? A. Yes sir.

Q. Did this applicant's wife come along? A. Yes sir.

Q. I mean the applicant's father's wife? A. Yes sir.

Q. Although he had married down there? A. Yes sir, he had married there.

JAMES DOWNING, being sworn and examined by Court Recorders, testified as follows:

Q. What is your name? A. James Downing.

Q. What is your age? A. 42.

Q. What is your present address? A. Ketchum.

Q. In what district do you live? A. Delaware.

Q. Are you a recognized freedman citizen of the Cherokee Nation?

A. Yes sir.

Q. Are your name on the authenticated roll of 1880? A. Yes sir.

By Attorney A. S. Moore:

Q. Are you acquainted with the applicant here, Alexander Downing, Jr?

A. Yes sir.

Q. How long have you known him? A. Oh ever since a little bit of a boy.

Q. Were you acquainted with his father, Alexander Downing, Sr.? A. Yes sir.

Q. Do you know where he lived in the State of Texas, after the war? A. No sir, I do not know just exactly when he returned.

Q. Did you hear the word he brought up of these children also?

A. Yes sir.

Q. Are they the children of Alexander Downing and Edie Downing? A. Yes sir.

Q. And are you willing to put them on the roll of 1880? A. He is their name.

Q. What relation is to his father, Alexander Downing, to your husband?

A. He is my brother.

Q. Did you ever see him or come to your home during the time he was in the State of Texas?

A. Yes sir, their father.

Q. They were down there because? A. Yes sir.

Q. The father of the children of their name appear upon the roll

Alexander Downing &

of the Cherokee Nation & I could not tell you, I don't know.
Q But you do know that the census enumerators went to their houses?
A Yes sir.

Q About what time was that? A It was in 1880.

By C. M. Needles:

Q What relation is it you say you are to Alexander Downing &?

A I was his aunt by marriage.

Q Was Alexander Downing, Sr., the applicant's father, a slave?

A Yes sir.

Q Who did he belong to? A He belonged to the Whites, I suppose.

I am acquainted with his owners, but that's who he belonged to.

Q Was Alexander Downing, Sr., taken out of the Cherokee Nation during the war? A Yes sir.

Q Where to? A Texas.

Q Were you taken out? A Yes sir.

Q You don't know then when Alexander Downing, Sr., the father of the applicant, returned from Texas? A No, sir.

Q What are the names of Alex Downing's children? A Alex Downing, Johnnie, Tommie Downing, Andrew and Solomon Downing.

Q Are they all living? A Yes sir.

Examined by Mr. Davenport:

Q You and your husband didn't go to the same place during the war, that this man's father did? A No sir.

By Mr. Needles:

Q You weren't married at that time? A No sir.

By Mr. Davenport:

Q Did your husband go to the same place where the applicant's father did? A I don't know.

He didn't return with him? A No, sir.

By Mr. Needles:

Q Do you know of your own knowledge that he didn't return with, well that's all right, I won't ask that question.

By C. M. Needles:

Q Did Alexander Downing live in the Cherokee Nation from the day of his return until his death? A Yes sir.

Q How many of these children were born in the State of Texas, any besides the applicant? A No sir.

Q Balance of the children were born here in the Cherokee Nation? A Yes sir.

Q Did your Alexander Downing marry in Texas? A Yes sir.

Q Was his wife what is known as a white woman, or had she been a Cherokee? A She was a white woman.

ELIAS DOWNING, Jr., called, and asked to be sworn in.

By Mr. Needles:

Q Mr. Downing, did you or brother-in-law during the war? A Yes sir.

Q Where did he go to? A I heard he went to Texas.

Q Did he return after the war? A Yes sir.

Q What year? A I found him here in '80.

Q You found him here in the Cherokee Nation? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q At that point? A Delaware District.

Q Were there any children besides your brother-in-law and Alexander?

A Any with him? A No.

Q Yes, any other children of the family? A Oh yes sir, there was about ten of us children.

Q Was your father dead before the census roll of 1880 was taken?

A No sir, he has been dead about twelve or thirteen years, just before the Wallace Court.

Q Does his name appear upon the authenticated roll of 1880? A Yes sir.

By C. M. Needles:

Q You didn't go out with your father? A No sir.

Q You went to the same place with your father? A Yes sir.

1880 census roll of the Cherokee Nation.

DEPART

AS 171100

Alexander Downing

1866 census roll of citizens of the Cherokee Nation examined and applicant not found there.
Wallace pay roll of citizens of the Cherokee Nation examined and applicant not found there.
Horn-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found there.

APPLICANT, ALEXANDER DOWNING, re-called, and further examined, by Commissioner:

Q. You never drew any money at all? A. No sir.

Q. You have been living in the Cherokee Nation all your life? A. All my life as far as I can recollect.

Q. How do you recollect being in Texas? A. No sir, when I first remember I was living over on Grand River, with grandpa, me and my father both.

Q. Who was your grandfather? A. Reuben Downing.

Com'r. Needles: Alexander Downing applies for the enrollment of himself; his name cannot be found nor can he be identified upon any of the rolls of the Cherokee Nation now in the possession of the commission; he avers that he is a son of Alexander Downing, Sr., by his wife, Edie, who was what is known as a state woman; the name of his father cannot be found upon the authenticated roll of 1830; proof is made that his father was a slave, born in the state of Texas, was carried to the State of Texas, and returned in the year 1866; that the applicant was born in the State of Texas, and returned when he was a minor, and that his father was a minor when he was taken to the state of Texas during the war; satisfactory proof has been made as to the residence of the said Alexander Downing, and he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting further consideration of the commission; he will be notified by mail of the action of the commission when arrived at.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) H. D. Green,

Subscribed and sworn to before me this 10th day of 1901.

(Signed) T. M. Needles,
Commissioner.

H. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this 10th day of 1901.

C. R. Needles

Commissioner

D. 672

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of..... A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

24 day of Sept, 1901..

A. M. McRae

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the.....day of..... A. D. 190...

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION.

SEP 24 1901

NOTICE!

IN THE MATTER OF the application of Salomon Downing
for enrollment as Cherokee citizens:

Case No. D. 672

To Salomon Downing or A. B. McRee his Atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 1st 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell

M. W. Hastings

Attorneys for the Cherokee Nation.

File with case of Solomon Downing, D.F.-D.#472.

Sept. 1, 1901, D.F.#666.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER DOWNING as a Cherokee Freedman, introduced on part of
Cherokee Nation.

APPEARANCES:

A. S. McKee, Attorney for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

E. W. COUCH, being duly sworn, testified as follows on
part of Cherokee Nation:

MR. DAVENPORT: What is your name? A M. W. Couch.

Q What is your post office, Mr. Couch? A Chelsea.

Q How old are you? A 59.

Q How long have you lived in the Cherokee Nation? A About 33
years.

Q Where did you live prior to coming to the Cherokee Nation?
A Texas, Rusk County.

Q Who was your wife before you married? A She was a Wright,
Mary Wright.

Q Did you while living in Texas know a family of colored people
by the name of Downing? A Yes, sir.

Q Did you know what the name of the father of the family was?
(No response.)

Q Did you know Alexander Downing? A Yes, sir.

Q Well, where was you living when you first got acquainted with him?
A In Texas.

Q When did you first see Alexander Downing and get acquainted with
him? A '63.

Q Where was he living at that time? A Rusk County, Texas.

Q Well, when did you move from Texas to the Cherokee Nation? A '68.

Q Where was Alexander Downing living when you moved from Texas to
the Cherokee Nation? A Living in Texas.

Q Do you know whether or not he lived in Texas from the time you
got acquainted with him up to the time you moved to the Cherokee Na-
tion? A Yes, sir, he lived there.

Q He lived near you or near your family? A Yes, sir, worked for
us part of the time.

MR. McKee: Mr. Couch, you say you first learned to know Alex-
ander Downing in the year 1863, I believe? A Yes.

Q Where was that at? A Rusk County, Texas.

Q You knew nothing of him before then? A No, I can't say that I
did. I might have seen him before.

Q You don't know to whom he belonged? A Belonged to Mary Wright
or Lucy Wright.

Q Do you know that of your own knowledge? A No, sir, I got that
from the family.

Q How long had he been living in Texas before you learned to know
him? A I don't know.

Q Don't know when he went to Texas? A No.

Q Were you acquainted with his father? A I saw his father after
he came back here.

Q His father was here? A Yes, sir.

Q Were you acquainted with any members of his family, that is, his
brothers or sisters? A Oh, yes.

Q Do you know Robert? A Robert, Miss.

Q When did you learn to know Zebede? A After the war, he stayed here; I knew Elias down there at the same time I knew Aleck.

Q Well, did you ever see him any more after you left Texas in 1868?

A Yes, sir, I saw him in Texas after I moved from there, but I never have seen him here.

Q Never have seen him in the Cherokee Nation? A No, sir.

Q How long did you remain here before going back to Texas after you arrived in 1868? A Went back in the spring of '69.

Q Saw him there then? A Saw him there then.

Q Are you acquainted with his family? A No, I can't say that I am; I knew his wife at that time.

Q He had no children had he? A If he had I don't remember, the only way I remember Aleck in '69 is he broke horses for me and helped me about the cattle.

Q Do you know where Alexander Senior, I believe he is Senior, where was he in 1866? A I can't tell you; first I seen of him was after I moved to Pryor Creek and after I did saw Aleck and Elias.

Q You don't know where Alexander, Sr., was in 1866? A The old man, I don't know where he was; I never seen the old man as I know of after '68 after I moved back here.

Q Now, did I understand that you never saw the father of these children here in the Cherokee Nation in your life? A Not until after I come back; never seen him there or them either; if I saw Aleck I don't remember after I come back.

Commission: This testimony will be made part of the record in the following Cherokee Freedmen cases, #D.669, #D.670, #D.671, and #D.672.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this October 16th, 1901.

[Signature]

Commissioner.

Cher Fr D 673

Cher Fr D 673

Department of the Interior
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 11th 1906.

In the matter of the application of Selia Kirkpatrick for the enrollment of herself and one child as Cherokee freedmen; she being sworn by Commissioner V. R. Breckinridge, testified as follows:

- Q What is your name? A. Selia Kirkpatrick.
Q How old are you? A. About 30.
Q What is your present office? A. Wife.
Q In what district do you live? A. Delaware.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Do you want to enroll anyone besides yourself? A. Myself and one child.
Q How old is the child? A. She is 11 years old.
Q How long have you lived in the Cherokee Nation? A. 877 and on all the time.
Q Were you born in the Cherokee Nation? A. Yes sir.
Q Were you a slave in the Cherokee Nation before the war broke out?
A Yes sir.
Q Did you belong to a Cherokee master when the war broke out? A. Yes sir.
Q Give me the name of your master? A. Ben Landrum.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Have you been out since the war? A. Now out and in since the war.
Q Have you lived part of the time in and part of the time out since the war? A. Yes, I have been out and worked since the war some.
Q Give me the name of your father? A. George Landrum.
Q Is your father dead? A. Yes sir.
Q How long has he been dead? A. I can't say for certain, been dead quite a while.
Q As much as 10 or 12 years? A. 13 or 14 years as near as I can get at it.
Q Give me your mother's name? A. Cassie Landrum.
Q Is she dead? A. Yes sir.
Q How long has she been dead? A. I think about 12 years.
Q Was your father a Cherokee freedman? A. Yes sir.
Q Was your mother a Cherokee freedman? A. Yes sir.
Q Where did your master Ben Landrum live? A. At Sawinaw creek.
Q In what district? A. Delaware I think.
Q How many times have you been married? A. Twice.
Q Give me the name of your first husband? A. Tom Daniels.
Q Is he living or dead? A. Dead.
Q How long? A. 12 years.
Q Was he a Cherokee freedman? A. Yes sir.
Q When were you and he married? A. Before the war.
Q Back in the days of slavery? A. Yes sir.
Q Did you live together until he died? A. Yes sir.
Q Give me the name of your second husband? A. Jerry Kirkpatrick.
Q Is he living now? A. No sir.
Q Was he a Cherokee freedman? A. No sir.
Q When did you marry him? A. 3 years ago.
Q Have you a certificate of your marriage? A. No sir.
Q Give me the name of your child? A. Ethel Daniels.
Q Is she living now? A. Yes sir.

Applicant not on the 1898 or 1906 roll.

Kern Shiften roll examined and applicants found as follows:
Page 185 No. 5766 Selia Daniels, Sawinaw creek district,
Page 185 No. 5766 Ethel Daniels, Sawinaw creek district.

- Q How come it that you are not on the roll of 1906? A. I don't know, I left it to my father and he said he would attend to it.
Q Where did you go to during the war? A. Mankato Falls, Kansas.

- Q Who with? A A lot of us.
Q Did you come with your husband? A. Yes sir, he come too.
Q Did you stay there until after the war? A. Yes sir.
Q When did you come back? A. In the spring I guess.
Q Of what year? A. When my father and Simon Lynch came, I don't know the dates.
Q Did your husband come back with you? A. No sir.
Q When did he come? A He sent me on with his father and my father and he staid and worked a while and he come down the next fall spring after I did.
Q Did you have any children at that time? A. No sir.

The authenticated roll of, 1880 examined and the name of the applicants father identified on the same as follows:
Page 645, No. 663, George Landrum, Saline district,

The 1880 roll examined for a name which the applicant mentioned and same is found as follows:
Page 645, No 663, Simon Lynch, Saline district.

- Q How long after you got back before your husband came? A. In the spring
Q How long after you got here before he came? A. I guess it was a year
Q You came one spring and he came the next spring? A. Yes sir.
Q Where is Simon Lynch? A. I guess he is at home.
Q How far does he live from here? A. I don't know.
Q Is there anyone here who knows of your having been married? A. Yes sir.

James Landrum called and sworn as a witness for the applicant, testified as follows-

By Gen'l Breckinridge-

- Q What is your name? A. James Landrum.
Q What is your post office? A. Vinita.
Q How long have you lived in the Cherokee Nation? A. All my life off and on.
Q Were you out during the war? A. Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A. Yes sir.
Q Do you know this applicant here? A. Yes sir.
Q What kin is she to you? A. My sister.
Q Are you a son of George and Cassie Landrum? A. I am a son of George and Peggy.
Q You and this applicant are not full brother and sister then? A. No sir half brother to her, my mother was Peggy and her mother was Cassie
Q Was your father married to Peggy before he married Cassie? A. Yes sir
Q What did he marry Cassie, was it in slavery days? A. Yes sir.
Q Was Peggy dead then? A. No sir he had two wives.
Q Were both of his wives slaves? A. Yes sir.
Q Did he pretend to live with both of them at the same time? A. Yes sir.
Q Was that sort of thing permitted in that day? A. Yes sir that was the go in them days, nigger babies is what was wanted.
Q Do you remember when George Landrum come back to the Cherokee Nation.
Q Was you with him? A. No sir I come first before he did.
Q Were you here at the time he came? A. Yes sir.
Q You went back to Kansas for your family didn't you? A. Yes sir.
Q Were you here when you father came, or were you back for your family?
Q He come when I went back to Kansas.

Q You didn't see him when he got here? A. No sir, I saw him when he started from there.

Q Was your sister with him? A. Yes sir.

Q When you got back did you see him? A. Yes sir.

Q Was this sister with him? A. Yes sir.

Q How long after you saw them in Kansas did you see them here? A. It was before I got back here.

Q You saw them leave Kansas? A. Yes sir.

Q How long after that did you next see them in the Cherokee Nation? A. It was the next fall following.

Q What time of the year did you see them leave Kansas? A. It was in '65 I think it was.

Q What time of the year? A. In March.

Q Of '65 and '66? A. March of '65.

Q That you saw them leaving Kansas? A. I think it was.

Q Was the war over then? A. Yes sir, just right at the close of the war.

Q Is your name on the roll of 1880? A. No I don't think it is.

Q You applied for yourself a few days ago? A. Yes sir.

Q You was put on a doubtful card? A. I guess so.

Q You ought to know it, you was told at the time wasn't you? A. Yes sir.

Q Don't you remember? A. Yes, sir, I remember.

Q Was your step mother with your sister when they came back? A. No sir.

Q Where was she? A. At Gibson.

Q Didn't she live with your father after the war? A. No sir.

Q Did she go out during the war? A. Yes sir.

Q She came back before he did? A. Yes sir.

Q What was the name she went by after the war, Landrum? A. Yes sir.

Q Didn't she marry another man and take his name? A. No sir.

Q How long do you think Cassie Landrum has been dead? A. She has been dead 12 or 13 years.

Q Did she continue to live in the Cherokee Nation after the war? A. Yes sir.

Q Where has this 1/2 sister of yours lived since the war? A. She has lived at Browns Ferry and Irons Ford and in Simon Lynche's settlement and in Arch Landrum's settlement.

Q Has she ever lived outside of the Cherokee Nation since the war? A. Most of the time.

Q Do you mean to say she has lived in the Cherokee Nation most of the time since the war? A. No sir.

Q What do you mean to say then? A. That she has lived right where my father first brought her most of the time since the war.

Q Then you mean that she has lived in the Cherokee Nation most of the time since the war don't you? A. Yes sir.

Q You are positive that she has made her home here all the time since the war? A. Yes sir.

By the Commission of the applicant-

Q You didn't indicate that you had made your home here all the time since the war did you? A. I worked out some.

Q Where have you been out at work? A. At Neeshe Falls some times.

Q Any other places? A. Chatoga.

Q Anywhere else? A. No sir.

Q How much work have you done at Neeshe Falls? A. Sometimes six months maybe seven, then I would make a trip back home.

Q Did you take your family with you? A. Yes sir I would take the baby there sometimes.

Q How about Chatoga? A. Yes sir the same way.

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Q Have you spent as much as half your time in Kansas? A. No sir, would come back and stay as much as 3 and 4 months at a time and then light out again, sometimes here and some times there.

Q When did you last husband die? A. 2 years ago.

Q Where did you marry him? A. Neesho Falls.

Q Where did you marry your first husband? A. On the river where I live now.

By Commissioner of witness, Jas. Landrum.

Q What was the name of your sister's first husband? A. Tom Daniels.

Q When did she marry him? A. Long before the war.

Q How long has he been dead? A. Been dead about 15 years.

Q Did she live with him until she died? A Yes sir.

Q What was the name of her second husband? A Jerry Kirkpatrick.

Q How long has he been dead? A. About 4 years I think.

Q All of 4 years you think? A. Yes sir, I think it is between 3 and 4 years.

Q Did she marry him after Tom Daniels died? A. Yes sir.

Q Had she ever been married except these two times? A. No sir.

Q Did she live with Kirkpatrick until he died? A. Yes sir.

Q Do you know that you sister had been in the habit of going to Neosho Falls and ~~Neosho Falls~~ Chetopa and working there? A. No sir.

Q You dont know anything about it? A. No sir.

Q Her testimony shows that she spent half her time there and yet you say you have kept the run of her all the time and don't know anything about it? A. (No response.)

~~XXXXXXXXXXXXXXXXXXXX~~

By Don'r Breakinridge

The testimony of the applicant and of the witness James Landrum down to this point will be filed in the case of the said James Landrum, as it indicates that his testimony is unreliable and should be taken into consideration in weighing any statement he has made in his own application. His application is Therence Freedman B. #204.

By Commission of Witness Jas. Landrum-



Q Can you explain how is it that your sister has spent so much of her time in Kansas and you know know anything about it? A. No sir.

Q You say you have kept the run of her all the time? A I have tried

By the Commission of the applicant—

Q Have you ever seen this brother while you were working in Kansas?
A No sir.

Q You have some great children who will want to apply on the basis of your testimony haven't you? A. Yes sir.

Q Give me the name of your eldest child? A. George Daniels.

Q About how old is he? A About 34.

Q Where was he born? A. On the river.

Is the Question Right? You say

Q Have you a child named Frank? A. Yes sir.
 Q How old is he? A. I don't know exactly, it is there on that paper.
 Q Say, is he? A. Yes sir.
 Q Where was he born? A. On Grand river.
 Q Eva Daniels, is she married? A. Yes sir.
 Q What is her name now? A. Finley.
 Q Where was she born? A. On the river.
 Q There three children, were they in the Cherokee Nation all the time? A. Yes sir.
 Q Were they never with you in Kansas? A. Yes sir some times I would take them there and send them to school.
 Q Have you ever kept house up there? A. No sir.
 Q Who is Hada Finley? A. That is my little grand daughter.
 Q Is its mother alive? A. Yes sir.
 Q What is its mother's name? A. Eva Finley.
 Q That is this daughter Eva that you speak of is it? A. Yes sir.
 Q She has another child with Frank, also, younger than Hada? A. Yes sir.
 Q Has Eva applied for her family yet? A. No sir.
 Q Has her husband applied? A. No sir.

By Hastings of the witness Jas. Landrum-

Q When was the last time you was in Neosho Falls, Kansas? A. When w was the last time?—about 15 years ago.
 Q Was your sister Della there at that time? A. I don't remember seeing her.
 Q Where was she at that time? A. I guess she was here on the river at that time.
 Q Do you know? A. I think she was on Dave Landrum's place then.
 Q Are you positive? A. Yes sir I am pretty positive.
 Q Are you positive that you didn't see her at Neosho falls Kansas then? A. Yes sir.
 Q How long did you remain at Neosho Falls that time? A. Just a little while.
 Q A month? A. Longer than that.
 Q Two months? A. About that.
 Q Have you been back then? A. Yes sir.
 Q You only went there once since the war? A. Yes sir I was there twice.
 Q When was the other time? A. When I was there before, when I went back for my family.
 Q Was that the first time after the war? A. Yes sir.
 Q And you never saw your sister the applicant at Neosho Falls since the war? A. Yes sir, I have.
 Q When was that? A. That was just as I was discharged from the army.
 Q Did you ever see her back there after she had come down here to the Cherokee Nation after the war? A. No sir.
 Q Did you ever see her in Kansas after she had come down here after the war? A. Yes sir I saw her there when I came back.
 Q I mean after she had come down here? A. No sir.
 Q Where have you been living? A. Down here on the river.
 Q In what settlement? A. Island Ford settlement.
 Q How far has your sister been living from you? A. 7, 8 or 10 miles, sometimes 12 miles; I didn't live there all the time, I lived at Fort Gibson some times, staid there a long time.
 Q Did she live with her husband directly after the war? A. Yes sir with Tom Daniels.

By Hastings of the applicant-

- Q Where did you live with Tom Daniels first after the war? A. Lived right there with his father and my father.
- Q Live with both of them at the same time? A. No sir lived first with one and then with the other.
- Q How long did you stay down there until you went back to Kansas? A. Quite a while.
- Q How long after you came there did you next go back? A. About 3 years.
- Q Did you go back with your husband? A. No sir he went first.
- Q To what place in Kansas did you go that time? A. Neosho Falls.
- Q That was about 3 years after the war? A. Yes sir.
- Q What did you do up there? A. Worked some times.
- Q What did he do? A. He worked in a mill.
- Q Who ran the mill? A. I don't know, did know, don't remember it now.
- Q How long did you stay up there that time, how many years to the best of your judgment? A. 3 or 4 months, at a time.
- Q How long did your husband stay? A. Off and on all the time.
- Q He died there? A. Yes sir.
- Q What year did Tom Daniels die in Kansas? A. I don't know.
- Q Is Ethel his child? A. Yes sir.
- Q He died before she was born? A. Yes sir a little while before she was born.
- Q He died at Neosho Falls? A. Yes sir.
- Q You kept house up there didn't you? A. No sir, I worked for a family there.
- Q You didn't keep house there for your husband and children? A. No sir, I boarded with that family, and my husband boarded with some folks there.
- Q Well you traveled together didn't you? A. Yes we staid together in a room.
- Q Ethel was born in Kansas? A. No sir.
- Q Eva was born in Kansas? A. No sir.
- Q Where was she born? A. At my father's.
- Q Your husband was in Kansas then though? A. He was here part of the time.
- Q Your husband never worked in the Cherokee Nation after the war? A. He worked here some.
- Q He never made a crop here did he? A. No sir but he helped my father make a crop and he helped his father make a crop.
- Q You and he never kept house separate and apart from your parents or his folks in the Cherokee Nation did you? A. No sir.
- Q You and your second husband were married in Neosho Falls? A. Yes sir.
- Q Where did he die? A. Down here at Vinita.
- Q What year? A. I don't know, he has been dead 2 or 3 years.
- Q You never had a child by him did you? A. No sir, got them all by Tom Daniels.
- Q When did you and your second husband come to the Cherokee Nation? A. I married him and brought him down here, got acquainted with him up there before my first husband died.
- Q How long was it after your first husband died before you married this second husband? A. About 3 years.
- Q Then you and your second husband had been married about 3 or 4 years before he died? A. Yes sir, I guess so.
- Q Your first husband died in Kansas and when you had met your second husband up there long before and after some five years after the death of your first husband you married your second husband, you met him and married him in the same place that your first husband died at, in Kansas? A. Yes sir.
- Q How far was this mother, the husband, live from you all this while?

A I was living on the river at my aunt's family.
 Q Did he know that you and your husband were living in Neosho Falls?
 A I don't know.
 Q You saw him there about 15 years ago? A. I guess I saw him there then.
 Q How long did he stay there with you? A. Not long.
 Q A month? A. Maybe a month or two months.
 Q That was before your first husband's death? A. Afterwards I guess.
 Q About how many years ago? A. I don't know exactly.
 Q What is your best judgment as to the time that you saw your brother, the witness here, in Neosho Falls Kansas? A I don't know, about 15 years or 11 years.
 Q Was your brother married up there, when you saw him there at Neosho Falls had he a wife with him? A. If he had a wife with him I didn't see her.
 Q Didn't he have some children born there? A. No sir.
 Q But you saw him there? A. Yes sir.
 Q Where did you bury your second husband? A. There at Neosho Falls; took him up there, that was his request when he died and I did it.

By Hastings of the witness:-

Q How do you reconcile your statement with that of your sister-in-law testified positively that you never saw her in Kansas after the war?
 A Didn't I saw I saw her 15 years ago up there?
 (His former statement read over to him here)

By Commission of applicant:-

Q Where were you during the time between the death of your first husband and your marriage to your second husband-- where did you stay when you were a widow? A. On the river here.
 Q Where you there all the time? A. Off and on.
 Q Off and on? A. Yes sir.
 Q When you were not on the river, were you up in Kansas? A. He sir at my Mother's, at Hodge and at Fort Wilson.
 Q But you were at Neosho Falls when you married the second time? A. Yes sir.

By Ben'r Brockinridge:-

The applicant applies for the enrollment of herself and one child; it appears that the applicant was a slave in the Cherokee Nation and of a Cherokee citizen at the beginning of the civil war; that she was carried to the state of Kansas and she claims to have returned within the time required within the treaty of 1866. She is identified on the Kern Clifton roll, but is not identified on the 1880 or 1886 rolls; she is 44 years of age; her deceased husband, to whom she was married at the beginning of the war, is not identified on the roll of 1880, but she states that she returned prior to the return of her husband, with her father and Simon Lynch, the former deceased and the latter now living, but not now introduced in this case. Both the deceased father and Simon Lynch are identified on the roll of 1880. It seems highly probable that the applicant qualified under the treaty of 1866, but it seems also highly probable that her children from the same time, is not in her name at Kansas.

Falls, Kansas; her change of name arising from marriage is established in a satisfactory manner, and the applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision of the Commission will be made known to the applicant at her post office address. Of her children, she applies for Ethel Daniels, she is identified on the Kern Clifton roll, is living at this time, it is not identified on the roll of 1898; the rights of this child should be the same as those established for its mother, and the child ~~will~~ will be listed for enrollment as a Cherokee freedman on a doubtful card with its mother and the said mother will be informed of the final decision of the Commission in regard to her case also. The names of certain other children who are of age, are identified in the course of the testimony, as their claim will come under the same claim as their mother. ~~Her testimony is reliable and~~
~~Her testimony is reliable and~~
It should be noted that the general impression made in this case by the testimony given is that it is given with considerable reservation and lack of frankness and particularly as this true of the applicant's half brother James Landrum, whose testimony has been ordered to be filed in his own case. His whole conduct and nature of replies to questions asked, indicated a perfect unreliability.

SUPPLEMENTAL

By Hastings of applicant-


- Q Your daughter Eva Finley is married? A. Yes sir.
Q What is her husband's name? A. E. C. Finley.
Q How old is her eldest child? A. One and a half years old.
Q She has two children? A. Yes sir.
Q Where was she married? A. Here in Vinita.
Q Since the death of your last husband? A. Yes sir.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 25th of June, 1901, at Nowata, I. T.



Commissioner.

To be filed in the case of Gellia Kirkpatrick, et al, U. F. D. #4573.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Chelsea, I. T. June 11th 1901.

SUPPLEMENTAL TESTIMONY in the case of Eva L. Finley, Cherokee Freedman
Doubtful Card # _____

Applicant and Cherokee representatives present.

JOHN LANDRUM, called and sworn as a witness for the applicant, testified as follows before Commissioner G.R. Breckinridge:

- Q What is your name? A. John Landrum.
Q How old are you? A. 59.
Q What is your post office? A. Hayden.
Q How long have you lived in the Cherokee Nation? A. Born and raised here.
Q Were you out of the Cherokee Nation during the war? A. Yes sir.
Q What time did you get back here? A. In the fall of '66
Q Are you on the roll of 1886? A. Yes sir.
Q Do you know this applicant here, Tyre H. Finley? A I am not really acquainted with him.
Q Do you know his wife? A. Yes sir.
Q Is she a niece of yours? A Yes sir.
Q Do you know that he and she are married? A. Yes sir.
Q Give me her maiden name? A. Eva Daniels.
Q Is she a daughter of your sister Gellia Kirkpatrick? A. Yes sir.
Q And of her first husband; Tom Daniels? A Yes sir.
Q When did this man here marry your niece? A. Just before the war.
Q What war? A. The war that freed us
Q You dont mean that this young man here married your niece before the Civil war do you? A. Oh no sir, I thought you meant when did my sister marry Tom Daniels.
Q How long has this man sitting here been married to your niece Eva? A I never foundit out that they was married until about 3 or 4 years ago.
Q Have you known them ever since as husband and wife? A. Yes sir.
Q Where was your niece born? A. I suppose she was born in Kansas, I dont know exactly.
Q When was she born? A. I dont know exactly.
Q When did you first see your niece Eva? A. I seen her at Vinita.
Q How old was she then? A. I cannot tell just how old she was, right smart sized girl.
Q What do you know of her from that time up until now? Since you saw her the first time in Vinita? A I cannot tell you, living in the states I guess, I cannot tell you to tell the truth.
Q You must tell the truth, you are under oath? A I am telling it.
Q Has she been married in the Cherokee Nation since she married this man? A. Yes sir.
Q But before that you dont know? A. No sir.
Q Are you a full sister of her mother Gellia? A. No sir.
Q Has your sister Gellia ever lived near you in the Cherokee Nation? A Before the war.
Q I mean since the war? A No sir.
Q Where do you live? A. On Lightning creek.
Q Have you kept any run of your sister Gellia since the war? A. I seen her off and on
Q Where has she made her home lately? A In Vinita.
Q How long has she lived in Vinita? A. I dont know.
Q Where did she live before that? A. In Kansas.
Q Neesho Falls, Kansas? A Yes sir.
Q Did she and Tom Daniels go to Neesho Falls together? A. Yes sir.
Q Did they come down here together again? A. I left them there.
Q When was that? A. A while after the war, after peace.
Q When was it you saw her in Vinita, was that after Tom Daniels had died? A. Yes sir
Q Was that after she had married Jerry Kirkpatrick? A I cannot tell

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anything about that, I can't talk of her last marriage.

Q After Tom Daniels died, she came to Vinita did she? A Yes sir.
Q Had she made any home before that in Kansas? A I don't know if she had made a home there at that time because I was down here and left them there, and I don't know what they did there, I was down here.

Q I am talking of between the time when you left her there after the war, when you saw her in Kansas, and when you next saw her in Vinita after Tom Daniels had died? A She was up there in Kansas until Tom died.

Q How do you know that? A To the best of my knowledge, I left them there both together.

Q What do you know of them staying there after you left them, there until he died? A I don't know anything about it for certain, not all the time I don't.

Q Did you ever hear from your sister? A Yes sir I got letters from her.

Q What was Tom doing there? A Working there in a mill.

Q Did your sister ever come down here before Tom died? A Yes sir.

Q On a visit? A Yes sir.

Q Short visits? A Yes sir.

Q She has several children? A Yes sir.

Q Do you know where these children were born? A No sir I don't know.

Q How far have you lived from where your mother lived since the war—your mother was Cassia, wasn't it? A No sir my mother was Peggy.

Q Then you are only a half sister of Gelia? A Yes sir that is what I told you before that I was not a full sister of hers.

Q Did she have her children there at Vinita? A She had two.

(By W. F. Hastings)

Q Where did you last see you half sister Gelia Daniels when you left Kansas immediately after the war? A I saw her there on the river.

Q How long before you left there? A Quite a while, not a great while either.

Q Did you see her in the summer before you left in the fall of '06? A No sir, in the winter as near as I can remember.

Q As far as you know, she and her husband Tom Daniels continued to live in Kansas at Neosho Falls until after his death? A Yes sir.

(By the Commission)

Q Do you know anything about her coming back after a while to the Cherokee Nation with your father and her father George Landrum? A That is when they first came, when I need her first was in '06 at George Landrum on the river.

Q At your father's place in the Cherokee Nation? A Yes sir.

Q She seems to have come down for a while at least with your father and very soon after that Tom Daniels went back to Kansas and then she followed him? A I don't know if Tom came down more or not, but I understood from what my father told me that Gelia had come down here with him and with Simon Lynch.

Q She went back and joined her husband Tom Daniels then? A I guess so, I don't know as Tom came at all, he might have.

By Gov'r Breckinridge:

This testimony will be filed in the application made for Eva L. Finley by her husband, and also a copy of this testimony will be filed in the case of Gelia Kirkpatrick on Cherokee Freedman Doubtful papers, and a note will be made in that case calling attention to this additional evidence.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 20th of July, 1901.

Charles von Weise
Notary Public

F. D.

673

INDIAN TERRITORY,

CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190....

Given under my hand this.....
day of A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190....

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with the
DAVES COMMISSION.
OCT 14 1901

NOTICE!

IN THE MATTER OF the application of Celia Kirkpatrick
for enrollment as Cherokee Freedmen:

Case No. F. D. 673.

To Celia Kirkpatrick, Vinita, I. T.:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita,
Indian Territory, on October 16, 1901, at 8 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 14, 1901.

L B Bell

N. M. Hastings
J. D. Davenport
Attorneys for the Cherokee Nation.

File with Gelia Kirkpatrick, C. F. D. 673.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, October, 16, 1901.

SUPPLEMENTAL Testimony in the matter of the application of Gelia Kirkpatrick et al, C. F. D. 673.

Appearances:

James B. Davenport for the Cherokee Nation
Mellette & Smith for the applicants

C. R. Griffith being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation

(By Davenport)

Q What is your name? A C. R. Griffith.

Q What is your post office? A Vinita.

Q What is your age? A 29.

Q How long have you been living in Vinita? A I have been living here since the payment, before the payment, I forget just what year that was.

Q Did you ever live in Neosho Falls, Kansas? A Yes sir.

Q What year did you move to Neosho Falls Kansas? A I left there in '87

Q When did you go there? A I went there in '76.

Q While you were living at Neosho Falls Kansas did you know a colored family by the name of Daniels? A Yes sir.

Q Did you know the man of that family? A Yes sir Tom.

Q Did you know his wife? A Yes sir.

Q What was her name? A Gelia I think.

Q Do you know whether or not Tom Daniels is dead? A Yes sir he is dead.

Q Do you know if Gelia married after his death? A Yes sir I have heard she married, but I don't know anything about it.

Q Where was Tom and Gelia Daniels living when you went to Neosho Falls Kansas? A They were living about three quarters of a mile north of town across the Neosho river.

Q Did they afterwards live nearer town? A No sir.

Q You was a boy then? A Yes sir.

Q Do you know if Gelia had any of her family, or her own family around there? A No sir I don't know any except the Daniel's family.

Q You haven't seen the applicant to-day? A No sir not since I left Neosho Falls.

(By Mellette)

Q Will Doctor, when do you remember of having first seen Gelia Daniels? A Well it was shortly after we had moved to the town, I went over there to get a cow my father had bought of them.

Q Did you pay any particular attention to them after that? A I saw some of the children most ever day, they went to school there every day.

Q Did you know Gelia personally? A Yes sir I saw her quite frequently

Q Do you pretend to say that you saw them all the time from the time you got acquainted with them until you left? A No not all the time, shortly before I left there I think--I left late that fall and that summer I worked in the country and didn't see them then at all.

Q Was Gelia here in this country any time that you were at Neosho Falls? A They kept house there all the time.

Q You don't know if she was here or not? A No sir I don't.

Q You left there in what year? A '87 or '88 I don't remember which.

Q You don't know where she was before you went there? A No sir.

Q Do you know if this is the woman, the one you are talking about, is the same woman who has made application here? A Yes sir.

Q How do you know? A I know her daughter that is here in town and it is her mother.

Q Do you know that this is the one? A I haven't see this woman, but Finley the barber's wife is her daughter, she used to be her daughter and I guess she is yet.

Q You don't know where she was in '88? A No sir, that was before my time.

(By Davenport)

Q You knew Eva Finley there at Neosho Falls? A Yes sir.
Q She went to school there? A Yes sir.

ANDERSON LYNCH being first duly sworn by Com'r T. B. Needles,
testified as follows on the part of the applicant:

(By Mallette)

Q What is your name? A Anderson Lynch.
Q Where do you live? A Out here on Grand river.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know this applicant here, Gelia Kirkpatrick? A Yes sir.
Q Did you know her before the war? A Yes sir.
Q Where did she live before the war?

BY MR. DAVENPORT: The Cherokee Nation objects to this testimony
because it has never been questioned as to where she lived
before the war.

(By Mallette of witness)

Q Do you know when she came back here after the war? A Yes, sir.
Q What year? A In '66.
Q Where did she come to? A Come to Simon Lynch's across Grand River
with Jim Landrum.
Q Have you known her ever since she came back here in '66? A Yes sir.
I don't know where she has been all the time, I saw her two or three
times at Simon's.
Q Do you know where she has lived since that time? A No sir not
exactly, I know she lived in Vinita a while.
Q When was she living here in Vinita? A Two or three years ago, I
never paid much attention.
Q Do you know Tom Daniels, her first husband? A Yes sir.
Q Where were they married? A I disremember exactly where.
Q Did they live together in the Cherokee Nation, Tom Daniels and Gelia?
A I don't believe they did, I knew they both went out from here together.
Q Were they married at that time? A I disremember if they was or not,
I knew when I came to them in Kansas they were married.
Q Was Tom Daniels a freedman? A Yes sir he was Simon Lynch's son.
Q Was he a citizen of this country? A No was before he went out.
Q He is dead now? A Yes sir.
Q Daniels was a recognized citizen of this country was he? A Yes sir
belonged to Bob Daniels.

(By Davenport)

Q Did Gelia come back when Jess Cochran was killed? Yes sir.
Q You and little Jess don't agree as to the time of the killing of
his father do you? A It was in '66.
Q Haven't you heard Jess Cochran, little Jess, testify as to the
year when his father got killed? A I don't know as I have.
Q At what point in Kansas did you see Gelia and Tom Daniels? A At
Neosho Falls.
Q Tom Daniels never did live in this country since the war? A I never
saw him.
Q Do you know Eva Finley, the daughter of Gelia? A No sir.
Q Didn't know her children? A No sir.
Q Daniels and she married before the war closed? A They might have.
Q Didn't you say you saw them in Kansas? A Yes sir.
Q He died up there some years after the war? A Yes sir it was a
while after the war.
Q It was after '66 that he died? A No sir I think it was before--as
it was after that.
Q You heard Dr. Griffith testify that he saw this woman in Kansas at
Neosho Falls in '70? A He might have seen them, I can't tell about that.
Q Where did they live in Kansas with reference to Neosho Falls? A
On the other side of the river at Bear Hill.
Q If Dr. Griffith testified that they were living there it is correct
is it? A Might be so, I don't know.

This will be filed in the original application C. F. D. 673 and also in C. F. D. 675.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise,

Subscribed and sworn to before me this the 19th of October, 1901.

(Signed) T. B. Needles

Commissioner.

F. D-673.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. April 29, 1902.

In the matter of the application of Selie Kirkpatrick for the enrollment of herself and child as Cherokee Freedmen.

SUPPLEMENTAL TO D-673.

Applicants represented by Mellette & Smith and Lewis T. Brown, Vinita, I. T.
Cherokee Nation represented by J. S. Davenport.

C. W. Learned, being first duly sworn, testified as follows:

MR. DAVENPORT: What's your name? A C. W. Learned.
Q Where do you live, Mr. Learned? A Neosho Falls, Kansas.
Q How old are you? A 46.
Q How long have you been living at Neosho Falls? A Since '57.
Q Did you know a colored family there by the name of Daniels since the war? A Yes, sir.
Q Do you know what the man's name was? A Tom Daniels.
Q Did you ever know his wife's name? A Yes, sir.
Q What was her name? A Selie.
Q Where did they live when you got acquainted with them, Mr. Learned? A They lived about half a mile from the mill there on the Neosho River, used to work in the mill.
Q When did they move away from there, if at all, Mr. Learned, about when? A Daniels?
Q Yes, sir. A I don't think Daniels ever moved away from there; he died there; she came down here.
Q Well, when did she move away with reference to Daniels' death, if you know? A No, if she did I don't know it.
Q Do you know whether she is living now or not? A I don't know whether she is living now; I don't know whether she is or not; she isn't living up there.
Q When was the last time that you knew of Tom Daniels and his family living near or in Neosho Falls, about what year is that I want to know? A I don't recollect what year he died.
Q Well was it before or after the row that you have spoken of?
A That was after that.
Q Was Selie living there at the time this row occurred? A Yes, sir.
Q How do you remember whether they had any children? A Yes, sir, they had some children.

Q Were they big enough for you to remember their names? A Yes, sir, I remember some of them.

Q What were their names? A One was named Fred and there was a boy, and they had Eva Daniels, a girl, and they had one or two more boys, but I don't recollect their names.

MR. MILLER: When did you first know these people you are talking about, that is, Daniels? A Why it was along about '68, along about that.

Q How old were you in '68? A 11 years old.

Q You can remember the date back that long can you? A Only as they were when these people was there.

Q You remember back thirty-five or forty years exactly when people were there together, do you? A I remember, yes, sir, these people at least came to Jim's place there and visited him.

Q When were you first talked to about being a witness in this case? A It must have been a month ago.

Q A month ago your attention was called to the time when you saw these people, and you remembered back that length of time when you was 11 years old; where were these people in '68? A Daniels?

Q Yes, sir. A Couldn't tell.

Q Where were they in '67? A I don't know.

Q Where were they in '69? A They were there.

Q What time in '68? A Why they were there in the spring or summer along about--

Q Well was it May or June? A I don't know which it was, May or June, somewhere along there.

Q You were 11 years old at that time and remember that it was May or June? A Somewhere along there.

Q You remember that that was sometime in May or June, do you? A Yes, sir.

Q Did you pay much attention to the months when you was 11 years old? A No, I remember we used to fish.

Q Might have been in Summer then? A No, sir, -- yes, it might have been.

Q Might have been in August, mightn't it? A Don't fish in August.

Q Swear you didn't fish in August, will you? A I don't know, whether I would or not.

Q How old were you at that time? A 11 years old.

Q How long ago has that been? A You can count it up.

Q I'm not counting; I asked you?

COMMISSIONER: Can you answer the question, how long ago? A 34 years.

COMMISSIONER: The following certificate is filed in the matter of the application of Jane Wiley, Cherokee Freedmen Case No. D-600: State of Kansas, ss/ Woodson County,

I, A. C. Woodruff, Clerk of the District Court within and for said county and state above named, do hereby certify that the case of the State of Kansas vs. North Banks was continued from the October Term, 1908, to the April Term, 1909, of the District Court of Woodson County, Kansas. I further certify that Thomas Daniels and Ben Landrum were witnesses in said case as the same appears on record in my office.

IT TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 25th day of April, 1909.

(SEAL) A. C. Woodruff, Clerk.

Arthur G. Grininger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Grininger.

Subscribed and sworn to before me this 2nd day of May, 1909.

(Signed) P. G. Hunter

Notary Public.

John W. Case, Administrator of the Commission to the F. ...
... being first duly sworn, states that the above and
... in a true and correct copy of the ...
... to ...

John W. Case and sworn to before me this 19th day of ... 190...

(Seal)

John W. Case

Prize Jones
Notary Public

R.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 27th, 1902.

In the matter of the application of W. H. Twine for the enrollment of George Daniels as a Cherokee Freedman.

Appearances:

W. H. Twine representing Lewis T. Brown of Vinita,
Cherokee nation represented by W. W. Hastings.

There is offered in evidence a power of attorney signed by George Daniels, authorizing Lewis T. Brown, his true and lawful attorney, to make application to the Commission to the Five Civilized Tribes for his enrollment as a Cherokee Freedman.

W. H. Twine, being duly sworn, testified as follows:

Examination by the Commission.

- Q. What is your name? A. W. H. Twine.
Q. Your post office address? A. Muskogee.
Q. You are appearing before the Commission in behalf of Lewis T. Brown, who desires to enroll one George Daniels as a Cherokee Freedman? A. Yes, sir.
Q. Do you know anything about the citizenship of George Daniels? A. No, sir; I don't.
Q. Do you know how old he is? A. No, sir; I don't.
Q. Do you know where George Daniels is at the present time? A. In the hospital at Wichita, Kansas.
Q. Do you know in what district this George Daniels lived when he was in the Cherokee nation? A. No, sir; only—I am not familiar with the districts but he lived in the town of Vinita.

Examination by Mr. Hastings.

- Q. Doesn't your letter that you have there state anything about the fellows age so we could identified him on the rolls?
A. The letter states he is identified on the Kerwin-Clifton's roll.
Q. But does it state how old he is? A. Gives his mother's name as Celia Kirkpatrick. She has already been listed for enrollment on a doubtful card.

Examination by the Commission.

- Q. Have you any idea how old Daniels is? A. No, I haven't. I don't know the man at all. I never saw him. If I did I didn't know him. My information is that his mother is already listed for enrollment on a doubtful card.
Q. Do you know what her name is? A. Celia Kirkpatrick.

The applicant is identified on the Kerwin-Clifton Cherokee Freedman roll, page 153, #3799, as George Daniels, Cooweescoowee district.

- Q. You don't know where this man lived prior to his being confined at Wichita? A. No, sir. At Vinita.
Q. You never met him at all? A. No, sir; I never met him personally.
Q. And don't know anything about his ancestors? A. No, sir.

The applicant in this case will be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting the further consideration of the Commission, and it is directed that copies of all the testimony had in the matter of the application of his mother, Celia Kirkpatrick, who has been listed for enrollment on Cherokee Freedman card D673, be filed with and made a part of the record in this case.

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James G. Carr, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he
correctly recorded the testimony and proceedings in this case
and that the foregoing is a true and correct transcript of his
stenographic notes thereof.

Subscribed and sworn to before me this 2nd day of July, 1906.

(Seal)

J. O. Carr
H. R. Miller
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 24, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of CELIA KIRKPATRICK, ET AL., AS Cherokee Freedmen.

Appearances:

L. B. Bell, Attorney for Cherokee Nation.

CELIA KIRKPATRICK, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Celia Kirkpatrick.
Q How old are you? A Couldn't say for certain.
Q Were you born before the war? A Yes sir.
Q What is your post office address? A Vinita.
Q In what district do you live? A In Delaware, I think.
Q Were you the slave of a Cherokee citizen at the beginning of the war? A Yes sir.
Q Whod did you belong to? A Ben Landrum.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q When did you return? A I guess it was in '66 when my father came back.
Q Did you come back with your father? A Yes sir.
Q What was his name? A George Landrum.
Q Was your mother along? A Yes sir, she went on to Muskogee. They didn't live together.
Q Was anybody else along besides you and your father at the time you returned? A There was a whole lot of us.
Q Give the names of the others? A One was Simon Lynch, Art Williams, Anderson Lynch and his mother, and all of them. There was a whole lot of them come.
Q Can you name any of the others? A Arch Landrum, he was along, and his family.
Q Can you think of any of the others? A There was a whole lot along, but I disremember.

MR. BELL: Who did you say, Simon Lynch? A Yes sir.
Q And Art Williams? A Yes sir.

BY COMMISSION: Where did you all come to at that time?
A Grand River.
Q In what district? A I don't know the district, but it was close to Island Ford.
Q Who did ~~think~~ you find living there then? A There wasn't many families, but I remember old man Springfreg.
Q Was he a Cherokee? A Yes sir. Rider.
Q Who else? A Old Aunt Celia Wright and Sallie ~~Wright~~ and
Q Was she living there then? A Yes sir.
Q Can you name any colored people living there then?
A I don't know.
Q Can you name any of them? A She was colored?
Q Sallie Rider? A Yes sir, and Bledsoe.
Q What was his name? A I don't know his first name.

MR. BELL: He was a Cherokee, wasn't he? A Yes sir, but he went with the coloreds.

BY COMMISSION: What time of the year was it when you all came back?

A I think it was in the spring or fall.

Q Was it warm weather? A It wasn't very warm.

Q Was it after the 4th of July? A I don't know. Might have been in the fall or spring. I disremember, it has been so long.

Q You came to Grand River, you say, near Island Ford? A Yes sir.

Q How long did you stay there then? A Quite a while, I wouldn't be positive, I don't know.

Q Did you stay there a year? A I don't know as it was a full year, I was in and out.

Q Did you stay there during the next winter? A Yes sir, I was.

Q Where did you go then? A Went up north.

Q Where? A Stopped a while in Chetopa and worked there a while.

Q Went up to Kansas? A Yes sir.

Q What place? A Neosho Falls.

Q How long did you stay in Neosho Falls at that time? A It might have been three weeks I think. I wouldn't be certain, three or four weeks.

Q Where did you go then? A Come back down to here to father's.

Q Didn't stay more than three or four weeks? A Might have been a little longer.

Q When did you go back again after that? A After I come back down? I was just in and out, maybe three or four weeks apart. Of course, I had to work. There wasn't nothing doing down here, times was hard.

Q When you all came down here to the Cherokee Nation the first time after the war, did your father build a house down here? A There was a loghouse.

Q Did he cultivate any land? A A little place, yes sir.

Q Did you live there with your father? A Yes sir, I made my home there when I was here.

Q Did your father stay down here in the Cherokee Nation, after he came down, right after the war? A Yes sir.

Q How long did he stay? A He stayed off and on all the time, made his home.

Q Didn't he go back to Kansas to stay? A Not to my knowing.

Q Did Thomas Daniels come back with you the time you returned after the war, and George Landrum? A Yes sir.

Q And Simon Lynch? A Yes sir.

Q How long have you been living continuously in the Cherokee Nation? A Oh, a long time, couldn't say just how long.

Q Do you remember when the census takers came around in 1880?

A No, I don't for certain. Of course I can't recollect like I might if I was younger.

Q Is Eva L. Finley your daughter? A Yes sir.

Q Who is her father? A Tom Daniels.

Q When were you and Tom Daniels married after the war?

A No, it was before the war.

Q When did your husband, Tom Daniels, die? A He has been dead quite a while, couldn't say just how long, but it has been quite a little bit.

Q About 1889? A It might have been. Of course you know I don't know.

Q Where did he die? A Neosho Falls.

Q Is that in Missouri? A No sir, it is in Kansas.

Q How long had you been living there before he died? A Not very long then, just in and out.

Q As much as a year? A No sir.

Q How long did you stay there after he died? A As soon as I could get things fixed up and the doctor's bill paid, and the funeral expenses, maybe two weeks or three, I don't know just for certain.

Q Where did you go to? A Come back down here.
 Q In the Cherokee Nation? A Yes sir.
 Q Have you been living here continuously ever since? A Yes sir.
 Q Your daughter, Eva L. Finley, has she been living with you ever since her father died? A Yes sir, when she was at home she always lived with me. Of course, she ran around, in and out, until after she married, then she settled down.
 Q She was out more than she was in, wasn't she, before she was married? A Oh, I couldn't say, she was in and out.
 Q What was she doing when she was traveling around, working?
 A Yes sir, she would work out.
 Q Has she been living here continuously, since she was married, in the Cherokee Nation? A Yes sir.
 Q When was she married? A I don't know, about five years, I guess. I wouldn't say. It has been quite a little bit.
 Q Has she been married since the time they took the census in 1896?
 A I couldn't tell you. It is down in the book though, I guess, when they were married.
 Q Was she married before the Kern-Clifton roll was made.
 A I guess it was before, I am not certain.

MR. BELL: How old is this daughter of yours, Eva L. Finley?

A I leave that to them, I can't -
 Q Where was she born? A In Kansas.
 Q Did you bring her down here when you come, or did you send her?
 Did you bring her down here when you come, or leave her up there?
 A I brought her along with me.
 Q When you first moved down? A Yes sir.
 Q You moved over here to Island Ford, up there about the lake somewhere? A Yes sir.
 Q Who lived near you there? A Old man Springfrog.
 Q Was Simon Lynch up there? A Yes sir.
 Q Jordan Thompson? A Yes sir.
 Q Oldman Sandy Bean? A Didn't know him.
 Q Didn't know him at all? A No sir.
 Q Did you know anything about old Adam and old Charlotte? A No sir.
 Q Where did Simon live, right there? A I don't know for certain, but I think it was up the lake there a little ways.
 Q Do you know where the old Lynch place is? A Yes sir.
 Q Who lived there? A I was ~~thinking~~ trying to think of the names, but I can't think of the names. There was someone there, I worked for a old man Clark.
 Q Recollect anything about old man Scraper? A Yes sir.
 Q Where was he living? A I don't know where he was living, but I saw him.
 Q Where did you start from when you started down to the Cherokee Nation the first time you ever come? A I started from Neosho Falls.
 Q Did you get acquainted with anybody in Neosho Falls? A Yes sir.
 Q Ever know a man by the name of C. W. Leonard? A ~~XXXXXXXXXX~~
 (No answer)
 Q Do you know anything of Eph Bearden? A Yes sir, I knew him.
 Q Did you know a young man by the name of Griffith, he is a dentist now and lives in this town? You got acquainted with him?
 A I used to know all of them when they was children.
 Q Were they there when you lived there? A I don't know.
 Q How long did you live at Neosho Falls? A Not very long, just in and out.
 Q How long did you live in Neosho Falls before you started wen here to the Cherokee Nation with your father? A I was there during the war.
 Q Two or three years? A Yes sir, I reckon.
 Q Didn't you take this girl up there and send her to school?
 A Yes sir.

Q How long did you stay there while sending her to school?
A I took her there and I came back.
Q You didn't stay there with her at all? A No sir.
Q She is mistaken if she said you stayed there? A I don't know, she might have been.
Q You ought to know something about it? Didn't you stay up there just years before you come down here? A Yes sir.
Q Several years? A I was there when the war was going on.
Q Your husband was named Tom Daniels, that you lived with there? A Yes sir.
Q Didn't you live with him? A Yes sir, he was my husband.
Q Didn't he live and die there? A He died there, didn't live there. He went back there for his health. He had consumption.
Q How long did he stay there when he went back there and died? A He stayed about a week, or the other three weeks, I don't know just how long.
Q Didn't you own some property there? A No sir.
Q Didn't Tom own a house there, or nothing? A He bargained for a house, but never got paid for it.
Q He bought property, didn't he? A No sir.
Q He made a trade for a house, and went in it, didn't he? A No sir.
Q Never did live in the house? A Yes sir, lived in it, but never got paid for it.
Q He bought the house and moved in it, and never got it paid for? A No sir.
Q He just bargained for it? A Yes sir, never paid for it.
Q Did he get possession of it? A No sir.
Q Moved in it? A Yes sir.
Q Wasn't that possession? A Yes sir.
Q How long did he live in that house? A I don't know.
Q Didn't he die there? A Yes sir, he died there. As I said a while ago, he died there.
Q Right in that house? A Yes sir.
Q How long after he died was it they put you out of the house, if they put you out, and started you down here? A About three weeks, or two.
Q When was that? A I don't know. It was away back I know.
Q As much as fifteen years ago? A I don't know.
Q Wasn't it about 1879 or 1889? A I don't know.
Q You never got a thing out of that house? A Never got a thing out of it.
Q They just took it away from you? A How could we?
Q You just answer the questions. A I am.
Q I asked you if you never got nothing from the house, just took it away? A It went back, of course.
Q Answer the question? A No.

Wm. Hutchinsen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he currently reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinsen

Subscribed and sworn to before me this 28th day of October, 1903.

Edward M. Menden
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 26, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of CELIA KIRKPATRICK, ET AL., as Cherokee Freedmen.

Appearances:

L. B. Bell, Attorney for Cherokee Nation.

ARCH LANDRUM, being first duly sworn, on behalf of applicants, testified as follows:

BY COMMISSION: What is your name? A Arch Landrum.

Q How old are you? A I am about seventy years old.

Q What is your post office? A Ketchum.

Q In what district do you live? A Delaware.

Q Do you know Celia Kirkpatrick? A Yessir, I know her.

Q Who was her father? A George Landrum.

Q Who was her mother? A Cassie.

Q Are they both dead? A Yes sir.

Q Is she any relation to you? A No sir.

Q When did you first see Celia Kirkpatrick after the war?

A That I first saw Celia after I came down. I saw her at her father's, down here on the river.

Q The same year you came down? A The same year.

Q What time of the year did you come down? A I came down a little before '66, just before the time was up. I think when I saw her it was that coming fall.

Q Did you come down before the treaty was passed? A Yes sir.

Q Was it the same year the treaty was passed, or the year before?

A When I come?

Q Yes? A I come down before the treaty was passed, it was pretty near time for the treaty when I got down.

MR. BELL: Did you come down before the treaty was made? A Yes sir, I came before it was made.

BY COMMISSION: You say you saw Celia Kirkpatrick the same year you came down? A That same fall.

Q Where did you see her? A Down on Grand River, at her father's.

Q In the Cherokee Nation? A Yes sir.

Q Who was with her when you saw her? A She was there with her father.

Q Was she staying with him? A Her man was with her then, Tom.

Q That was her husband, Tom Thomas Daniels? A Yes sir.

Q How long did she stay there at her father's? A I couldn't tell you exactly how long she did stay, she was there backwards and forwards a long time.

Q Did you just see her that one time? A No sir, I saw her.

Q When did you see her the next time? A I couldn't tell you.

Afterwards I saw her again. I knowed she was living there.

Q When did you see her again, in the same year? A I think so.

Q Where was she then? A She was down here on the river with her folks.

Q Did she stay as much as a year there on Grand River with in the Cherokee Nation at that time? A The first time she come down.

Q Yes. A I don't know whether she stayed a year before she went back. She was back there before the year was out.

Q When did she come back? A I couldn't just tell you exactly when she did come back, but I know she went off and come again.

Q She went back to Kansaw? A Yes sir.

Q How long did she stay up there again? A Not very long, before we heard of her eing back again.

Q Did she stay as long as a year in Kansas? A No, not that time.

Q De you know for what purpose she went up there? A No sir, I don't.

Q Were you living there near her fathes's at that time?

A I lived about five miles, I think.

Q Who else was living around near her fathes's, near George Landrum's? A Simon Lynch, and there was a whole lot of them.

Q Name some of them? A Simon and this here McNair, he was living there at the old Uncle Adam place on the bank of the river.

Q That was Columbus McNair? A Yes sir.

Q Who else was living there at that time? A I couldn't tell you, there was several of them living there, Crap Lynch, Art Lynch, Art Williams, they called him.

Q Crap Lynch also went by the name of Anderson Lynch, didn't he?

A yes sir. Art Williams is dead.

Q Was Celia Kirkpatrick married to Thomas Daniels at that time, at the time they returned to Kansas after the war? A Yes sir.

Q How long has Celia Kirkpatrick lived in the Cherokee Nation since the war? A How long has she lived there?

Q Yes. A I couldn't tell you that exactly how long.

Q You couldn't tell how long? A No sir.

Q Was she living in the Cherokee Nation between July, '66, and January 1, 1867? A Yes sir, I think she was living there at her dad's then. Her man, he went back to Kansas, he hadbad health, and went back to Kansas to school his children, and he died.

Q Her father went back to Kansas? A No, her man.

Q Her husband? When did he go back to Kansas, how long after the dose of the war? A I know it was a good while, couldn't tell you how lo ng he did stay. He had bad health.

Q Did he stay for several years? A I think he did, he died there.

Q Did Celia go with him? A Not when he stunk. did.

Q Did she go bak afterwards? A Yes sir.

Q Did she live with him up there? A She went back when he was sick, you know, and stayed until he died.

Q Did Thomas Daniels, and his wife, Celia Kirkpatrick, move their household furniture and their property with them when they went back to Kansas? A I don't know sir, I don't guess they did. I don't know, I don't guessthey did. She didn't go when he did. He went there on account of his health.

Q Since the death of Thomas Daniels, has Celia been living here ever since in the Cherokee Nation? A I couldn't tell that. I don't know where she was then.

Q Do you know Eva L. Finley, that is Celia Kirkpatrick's daughter?

A The oldest one.

Q Her name is Eva? A I know the oldest one.

Q What is her name? A She is dead, the oldest one.

Q This one is living? A I know this one that is here now, she has got one here now.

Q What is her name? A I don't know.

Q Is she married? A Yes sir, she is marrie A.

Q What is her husband's name? A I don't know his name.

Q Is his name Finley? A I guess so, he is a preacher here. I see him all the time, but never knew their names. I have been knowing him for about two or three years right here.

Q You don't know about this girl Eva, how long she has been living in the Cherokee Nation? A The one that's here now?

Q Yes. A No sir, I don't know how long she has been living here.

Q Do you think that Celia Kirkpatrick stayed as long as six months in the Cherokee Nation, there on Grand River, when she came back after the war? A I think she stayed that long, yes sir.

Q Did she stay up until Christmas of that year? A The year after she came here?

Q Yes. A I think she did. I think she stayed until Christmas.

Q Was that the same year that the treaty passed? A Yes sir, that's the same year.

Q You think she stayed here in the Cherokee Nation up until Christmas? A That's my recollection, I think she did.

Q Have you been seeing much of her lately the last ten or twenty years, have you seen her often? A Yes sir, I have seen her off and on, different places.

Q How long has she lived in the Cherokee Nation continuously without going out? A Where she is now?

Q Yes. A I knew her when she was on the river, I could see her pretty frequently until she came here to town.

Q How long has she been living here continuously, right straight along? A Since the treaty was made?

Q No. For how many years has she lived here continuously in the Cherokee Nation, one year, ten years, twenty years, forty years?

A I couldn't tell you how long, couldn't tell you how many years she has been living here.

Q Do you know how long she has lived here since her husband died?

A I have been seeing her off and on all the time since her husband died.

Q Do you know whether she has lived here all the time since her husband died? A She has lived at different places, I couldn't keep track of her all the time.

Q You don't know where she has been living all the time since her husband died? A I don't know where she lived.

MR. BELL: Where was George Landrum living when you seen this girl first at his house? A Living at the head of that lake down there.

Q Up there about where Simon is? A Yes sir, right across there.

Q When did George Landrum move there? A He came after I did.

Q Just tell me when he came? A I couldn't tell you.

Q Didn't he come about two years after I did? A I don't think it was two years, might have been a year.

Q It was a year or two after you come is when he come and moved right up there? A Yes, moved right there at that lake. It might have been a year, couldn't have been two.

Q You come down here along in the spring of '66, didn't you?

A Along in the spring.

Q About two or three months before you heard of the treaty?

A Yes sir.

Q Where did you hear of the treaty? A In Kansas.

Q Then you come down here and went back, did you? A Never did go back. Haven't been to Kansas since I left there.

Q You haven't? A Not at that part.

Q After Tom Daniels come down here, you say he brought his wife to George's, and they stayed there a while? A Yes sir.

Q That was only six or seven miles from you? A That's all.

Q How long did Tom stay here before he went back to Kansas? A Tom was down there around his dad a little bit.

Q Six or twelve months? A Might have stayed that long. I just don't know. I heard of him sometimes, and saw him sometimes.

Q He brought his wife with him when he come, did he? A Yes sir.

Q How long had he been here before you saw him, or did you see him pretty quick after he come? A I saw him pretty soon after he come.

Q When he went back, how long was it before his wife followed him? A I think she went when she heard he took so bad sick. He took very bad sick when he went back, and didn't live long.

Q When she went up there to see him he had died? A I think he died while she was there.

Q Wasn't it fifteen or sixteen years before you ever saw her back here again? A After she went up there and Tom Daniels died, I think she came back to her dad's.

Q About what time? A I can't tell you what time.

Q In two or three months? A Must have been, I think so, after Tom died.

Q Did she ever marry again? A Yes, after Tom died?

Q Did she ever marry again? A Yes sir.

Q Where did she marry after Tom died? A I don't know.

Q How long after he died? A It was a good long while.

Q Two or three years, was it? A Yes sir.

Q All that time was she living here at her Dad's? A Not all that time. I don't know where she was, might have been down at Fort Gibson at her mother's. Her mother lived at Fort Gibson.

Q You say she returned in two or three months after Tom died? A Yes sir.

Q How long did she stay here before she went back to Kansas? A I couldn't just answer that question, for I couldn't just tell. I couldn't keep that close track of them.

Q Let me ask you, you don't know much about her after her and Tom went back? A I know this much. I say she came back, but I don't know where she went, but I heard she was at Gibson. I didn't see her at Gibson.

Q She married two or three years afterwards? What is her husband's name? A I don't know that, I just seen him here in town.

Q If she said she was married in three or four months after her husband died up there in Kansas, she was mistaken. You or her one was mistaken? A I don't know where she married at.

Q How long was it before she left here, after she came back the second time, how long did she stay here? You were saying she went up there, and Tom died, and she came back here again and stayed here two or three years, then what became of her? Didn't she drop out of your memory and stay for ten or twelve years? A Until I saw her here. Never saw her any more.

Q Not until the Wallace court? A Yes sir, I saw her then.

Q That's the first time you ever saw her after that until the Wallace court, from the time she went back after Tom's death?

Q She might have been in the Nation here, but I couldn't tell.

Q I said you hadn't seen her? A No sir.

Q You didn't even know her children, did you? A No sir.

Q You don't know the name now, do you? A Which, her children's name?

Q Yes. A No, I don't pay that much attention to people, to find out their names.

Q How do you recollect so good about thirty-five years ago?

Q I tell just what I knew and what I saw. That's all I propose to know and tell. I know she was down here, I seen her. I didn't pay any attention to her children's names or nothing, didn't live with them.

Q You don't know her husband's name? A No sir.

Q How long did he live here? A I don't know, until he died, I guess.

Q Is he dead or alive? A He is dead.

Q There is at least ten years of this woman's life you didn't see her until after Tom Daniels' death? A Might have been. I seen her the time of the Wallace court.

Q That is the first time you had seen her for eight or ten years she had been gone? A I don't know where she was gone.

Q Of course you don't know where she was gone. I am trying to get at your personal knowledge of this thing.

442-123

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OCT 30 1903
COMMISSION TO FIVE TRIBES.

James H. Hix
1903

BY COMMISSION: You say you came back in the spring of '66, the same year the treaty was passed? A Yes sir.

Q Was it as much as a year when you first came down when you first saw Gelia Kirkpatrick after the war? A As much as a year?

Q Yes. A I don't know if it was a year or not, because I couldn't keep no account. She come with him when he come.

Q Was that as much as a year after he first came, when you saw George Landrum and this applicant, Gelia Kirkpatrick? A It might be.

Q Might have been a year? A Yes.

Q Was it a year? What is your best judgment? Was it as long as a year? A It might have been a year, but it wasn't two years, I am positive of that.

Q Was it that same year that you came down, or the next winter or spring following? A It was along in the winter time. It must have been that winter that I came down.

Q Was it after Christmas when they came down? A About Christmas I think. It has been so long I ain't got no good recollection. I know it wasn't two years. I am satisfied it was about a year, I guess.

Q You think it was about a year after you came, the next spring after you came? A Yes sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 30th day of October, 1903.

Edward Herrick
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Celia Kirkpatrick, and others, as Cherokee Freedmen, consolidating
the applications of

Celia Kirkpatrick, et al.....	Cherokee Freedmen	D	673
Eva L. Finley, et al.....	"	"	D 678
George Daniels,	"	"	D 1123

-: D E C I S I O N :-

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Celia Kirkpatrick for herself and her minor child, Ethel Daniels; by Tyre H. Finley for his wife, Eva L. Finley, and their minor children, Haydee and Frank Finley; and by W. H. Twine for George Daniels.

The evidence herein shows that Celia Kirkpatrick was the slave of a Cherokee citizen at the commencement of the rebellion; that she went to Kansas during the rebellion but returned to said Nation within the time specified, in the decree of the Court of Claims rendered on February 5, 1896, in the case of Moses Whitfire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to the Cherokee Nation.

It further appears that all the other applicants herein were born since 1866 and are the descendants of said Celia Kirkpatrick and claim their rights to enrollment through her.

The evidence further shows that the applicant Celia Kirkpatrick and her adult children, Eva L. Finley and George Daniels, resided in the Cherokee Nation in good faith for a number of years prior to June 20, 1896, and have always claimed said Nation as their permanent home. It does not appear that either of them has ever removed with his or her effects from said Nation and become a citizen of another government. The residence of said minor applicants is considered to have been with their respective parents above mentioned.

It is, therefore, the opinion of the Commission, following the decision of the Department in the case of Joseph D. Thompson et al., (I. R. D. 2800-1898), that Della H. Thompson, Ethel A. Daniels, Mrs. L. Finley, Charles Finley, Frank Finley and George Daniels should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 20, 1906 (34 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tom Kirby,
Chairman.

(Signed) T. A. Hurdless,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

(Signed) V. E. Stanley,
Commissioner.

Muskogee, Indian Territory.

This JUL 23 1904

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the Matter of the application for the enrollment of Celia Kirkpatrick, and others, as Cherokee Freedmen, consolidating the cases of

Celia Kirkpatrick et al Cherokee Freedmen	D 673.
Eva L. Finley et al Cherokee Freedmen	D 675.
George Daniels,-----"	D 1123.

APPEAL.

The Cherokee Nation respectfully dissents from the decision of the Commission to the Five Civilized Tribes rendered in this case on July 23, 1904 and prays an appeal to the Honorable Secretary of the Interior.

ARGUMENT.

The record in these consolidated cases shows that Celia Kirkpatrick is the Principal applicant through whom the other applicants embraced herein claim their right to be enrolled as Freedmen citizens of the Cherokee Nation.

The evidence shows that Celia Kirkpatrick was the slave of a Cherokee Citizen at the commencement of the war of the rebellion; that she went to the State of Kansas during said war and the Commission in its decision finds that she returned to the Cherokee Nation within the time prescribed by the treaty of 1866 as specified in the decree of the Court of Claims of February 3, 1896, in the case of Moses Whitmire et al, trustee et al Vs the Cherokee Nation et al, for the return of Freedmen to the Cherokee Nation.

There are but two propositions in this case:

First: Did the applicant Celia Kirkpatrick return in time to qualify under the treaty of 1866?

Second: If she did qualify under the treaty has she abjured her citizenship by her residence in the state of Kansas since 1866?

Gelia Kirkpatrick testifying in her own behalf claims that she came to the Cherokee Nation with her father ^{George Landrum} ~~Sam Jenkins~~, and guesses that it was in 1866 when her father came; that her mother went on to Muskogee and that her father and mother did not live together and that there was quite a number of others came at the time she came down with her father; among the number who came with them she says were Simon Lynch, Art Williams, Anderson Lynch and his mother, Arch Landrum and that she came to Island Ford on Grand river and remembers that old man Springfrog, Aunt Gelia Wright, Sallie Rider and Hledsee were living in that vicinity at that time. That she thinks it was in the Spring or fall when she came but she does not know how long she stayed and says:

"Q Did you stay there a year?

"A-- I don't know as it was a full year, I was in and out

"Q Did you stay there during the next winter?

"A--Yes sir I was.

"Q Where did you go then? Went up North.

"Q Went up to Kansas? A Yes sir."

And then her testimony shows a long residence in Kansas where she ~~was~~ and her husband lived ~~husband~~ where her husband died and it appears that after the death of her husband Tom Daniels about the year 1880 and she remained around Neosho Falls Kansas for a short time after the death of her husband. Her testimony shows that she has lived a great portion of her time in the State of Kansas; that she remained in the Cherokee Nation a short time on her first trip; that she came down with her father but remained only a short time. She does not know whether she came in the spring or fall and in fact her testimony is indefinite as to when she did actually come.

Arch Landrum, a noted disreputable standing witness who testified for any freedmen, who might desire him testified among other things that the first time he saw Gelia Kirkpatrick after the war was at her father's place in the Cherokee Nation when she came down with her husband and remained a short time and the husband went away and that the applicant soon went away also and remained for years and Landrum did not see her any more until the Wallace Court. In the latter part of the testimony of this disreputable negro he says that Gelia Kirkpatrick came to the Cherokee Nation about a year after he came or in the next Spring after he came himself and he claims that he came about the time the

treaty passed or in the summer or fall of 1866; there is a conflict in the testimony of Gelia Kirkpatrick and Arch Landrum. She says she came along when Arch came and that Arch was in the crowd with her whereas Arch says she came about a year after he came.

John Landrum another disreputable colored man takes the stand and testifies to some things and finally concludes that he saw the principal applicant on Grand river once and that he thinks she followed her husband Tom Daniels back to Kansas and he does not know whether Tom ever came to the Cherokee nation.

James Landrum another disreputable colored man takes the stand in behalf of the principal applicant and tries to make it appear that he knows she returned to the Cherokee nation yet when pinned down to what he really knows he shows that he knows almost absolutely nothing about the case and that his testimony is so unreliable as to be entirely unworthy of belief. The testimony of Gelia Kirkpatrick herself shows that she has spent a great portion of her time in Kansas, Witness claims to have kept up with her and yet he knows nothing about this. The attention of the Honorable Secretary of the Interior is especially invited to the statement by Commissioner Breckinridge concerning this witness made in the field at the time the witness testified when he was sitting directly in front of Major Breckinridge and while the Commissioner could see his actions on the stand, his manner of testifying and could see from the witness' action and manner of testifying that he was wholly unreliable. The Commissioner says:

"the testimony of the applicant and of the witness James Landrum down to this point will be filed in the case of James Landrum, as it indicates that his testimony is unreliable and should be taken into consideration in weighing any statement he has made in his own application. His application is Cherokee Freedman B # 864."

We heartily concur in the statement made by Commissioner Breckinridge in the field and we believe that this testimony shows that this negro is so wholly unreliable that the Department will not give his testimony any weight in this case.

Perhaps no witness ever came before the Commission with a record for reckless and false swearing that would rival that of Anderson Lynch, one of the most notorious disreputable colored witnesses who followed the Commission from place to place testifying in hundreds of cases making his testimony for gain and to suit the occasion. In fact his testimony was peddled out to suit the needs of the applicant on occasion required.

This disreputable witness knows it was necessary to see the applicant in the Cherokee Nation within six months after the promulgation of the treaty of 1866 and of course he fixes it that he saw Gelia Kirkpatrick a few times after the war down that she came down from Kansas with Jim Yandrum and landed at Simon Lynch's across grand river. This witness Anderson Lynch is known through out much of the Freedmen testimony as Guy Lynch and the Department will remember that Gelia Kirkpatrick claims to have returned to the Cherokee Nation with a crowd and in this crowd among others she names Anderson Lynch and Arch Yandrum as being along with them. It is strange to note that Arch says nothing about Gelia being along in the crowd with his party as he came to the Cherokee nation; Arch Yandrum does not hear Gelia out in this particular either.

This is the case as made out by the applicant; the burden of proof is on Gelia Kirkpatrick to establish her right to be enrolled as a Freedman citizen of the Cherokee Nation and she should establish that right by the testimony of reputable witnesses and if she was entitled to be enrolled we believe she could find reputable people who would give testimony for her.

The Cherokee Nation contends that she has wholly failed to make out her case; that her testimony is conflicting; that her witnesses are disreputable and entirely unworthy of belief. We contend that she has wholly failed to prove that she returned to the Cherokee Nation in time to qualify under the terms of the Treaty of 1866.

As to the second proposition we believe that if Gelia Kirkpatrick ever acquired any rights to citizenship in the Cherokee Nation that she forfeited or abjured that right by continuing to reside with her husband in the state of Kansas until his death. The testimony shows that she had no effects in the Cherokee Nation; that she left none and that when she came to the Cherokee Nation with her father and her husband, which she claims was in 1866 but which we believe was in 1868 that she merely spent a short time visiting her father and then returned to Kansas with her husband where he died many years thereafter.

Reference is made to the Cherokee Enrollment cases of Ray Strickland and of Julia A. Moore et al and to the opinion of the Attorney General therein.

The Commission in its judgment says:
 "It is, therefore, the opinion of this Commission, following the decision of the Department in the case of Joseph B Yeargain et al (I T D 2000- 1000) that Gelia Kirkpatrick etc*** should be enrolled as Cherokee Freedmen " etc.

It will be remembered that in the yeargain case the Yeargain boys were on all of the Cherokee Rolls, were born in the Cherokee nation and lived therein until about 1896 when they went over the state line to Southwest City Missouri to engage in the mercantile business with in a stones throw of the line of the Cherokee Nation; that they left valuable property in the Cherokee Nation, maintained their homes and large farms in the Cherokee Nation and also kept their in valuable personal property; they never abandoned the Cherokee Nation and had a mercantile establishment at Grove in the Cherokee nation at the same time.

In the case at bar the principal applicant made a flying trip to the Cherokee nation some time after the war and spent some time in the nation but her husband lived in the State of Kansas until his death and she lived with him. She had no property in the Cherokee Nation to retain her citizenship if any she ever had. We submit that the case at bar presents the opposite of the Yeargain case. The Husband of the principal applicant was a citizen and resident of the State of Kansas and his residence fixed here; she never acquired citizenship in the Nation and we take it that if she had acquired citizenship therein she abjured it by non residence.

The Nation shows by the testimony of Dr. C. R. Griffith a reputable citizen of Vinita, Indian territory that the applicant Gelia Kirkpatrick resided in Kansas during a period of time from 1876 until 1887 or 1890 or as long as witness was at Neosho Falls, Kansas.

IN CONCLUSION, we desire to call the attention of the Department to the untrustworthiness of the witnesses who testified for applicant:

Arch Landrum has been convicted and sent to the Penitentiary and his testimony would not be received in any court and he was a standing witness and no one in the community in which he lives would believe him; he has testified in a large number of freedom cases.

Anderson Lynch (Grap) is a witness that knows no date whatever but 1890, was always ready to testify, followed the Commission from place to place to pursue his calling, to wit, to peddle out his testimony as the

applicants required it. This is the same man that Willmore Hicks swore (In F. D. 506) that Aaron Martin gave a mule to him and Anderson Lynch to testify for him. In the Jackson Fields case (Freedman D 771) this witness is completely repudiated. Anderson Lynch saw the principal applicant in that case riding through the country alone, 12 years of age in 1866 whereas a number of reputable men from Kansas, leave Jackson Fields in Kansas for years after the war. In the John May case (F. D. 536) he is impeached by E. C. Harford and R. E. Jennes and is contradicted flatly. In the case of Ab Buffington (F. D. 374) he claims to have gone to Mound City, Kansas, for applicants father William Buffington and Stephen Henry, whereas Mrs Josephine Huniston, of Kansas, clearly contradicts him as she does also in the Jesse Vann case (F. D. 234.) on page 23 26 of our general Brief we show where this disreputable witness has testified in 35 freed men doubtful cases.

John Landrum, better known throughout the Freedmen testimony as Jack Landrum is shown on page 35 of the Freedmen general Brief on part of the Cherokee nation to have been a star witness for applicants in nine tech nd ed freedmen doubtful cases. In the case of Alfred Bell this notorious witness is flatly contradicted (F. D. 343). He claims to have seen the applicant on Lightning Creek in 1866 and his owner L. B. Bell swears he left Alfred Bell in Texas in the Spring ^{of 1867, especial,} ~~of 1867~~ attention is called to the fact that this witness is impeached in F. D. 444 where G. W. Learned swears Jim Landrum lived at yeecho Falls, Kansas for eighteen years after the war and that the witness Jack Landrum, otherwise known as John Landrum, was there in Kansas until 1868 and was not in the Cherokee nation himself although he in some way got on the 1866 rail. He is contradicted in the Hayden case (F. D. 498) because yariah Hayden when she applied to the Chambers court stated she came back in 1867 and even this is contradicted and she did not come back for a number of years after that.

We submit that the Commission's decision should be reversed and if it is to be affirmed we believe testimony can be had to show the truth in this case to wit: That George Landrum, although he got himself on the 1866 rail did not come to the Cherokee Nation until the Spring of 1868 and that Gelia Kirkpatrick came for the first time after the war in the Spring of 1868, and we will produce this testimony if the Department will give us another opportunity as the testimony has recently been discovered and could not be had at the former hearing.

Respectfully,

Atty Gen Nation

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the consolidated cases of Celia Kirkpatrick et al
F. D. 673; for enrollment as Cherokee Freedmen.

Motion to Reopen and Remand.

Comes now the representatives of the Cherokee Nation and moves the Department to remand the consolidated cases of Celia Kirkpatrick et al in order that newly discovered additional testimony might be taken. The Cherokee Nation expects to prove,

1st by Abbie Bearden and her daughter of Neosho Falls, Kansas that they were intimately acquainted with the applicants that the said Celia Kirkpatrick was in Kansas and that they knew her intimately since during the war of the rebellion and that she lived in the State of Kansas near Neosho, Falls where she continued to live until about the year of 1889 where she owned a home and other property and kept house.

2nd That Tom Shelton of Neosho Falls, Kansas will swear that he knew the said Celia Kirkpatrick from since during the war, that she resided continuously near Neosho Falls, Kansas from during the war of the rebellion until about the year of 1889 and that she did not return to the Cherokee Nation in 1866 or 1867 as she and her witnesses stated.

3rd The Cherokee Nation expects to prove by a number of other witnesses substantially the same, that the applicant did not return to the Cherokee Nation within the time prescribed by the treaty but upon the other hand resided continuously for more than Twenty years in the state of Kansas after the war and still owns property there and has owned property there since the war and that some of her children still remain in the State of Kansas and are therefore not entitled to be enrolled as Freedmen citizens of the Cherokee Nation.

4th That all of said testimony is newly discovered, having been found out by the representatives of the Cherokee Nation since said case was submitted, too late to introduce the same prior to the decision of the Commission to the Five Civilized Tribes.

5th That this motion is not made for the purposes of delay but in order that all of the facts with reference to the applicants return to the Cherokee Nation subsequent to the war may be ascertained and in order that justice may be done.

In support of the above motion attention is invited to the protest filed on part of the Cherokee Nation calling attention to the unsatisfactory condition of this case and to the disreputableness of the witnesses introduced on part of the applicants and especial attention is invited to the field judgment of Major Breckinridge calling attention to the unreliability of James Landrum principal witness for the applicant.

Respectfully Submitted,

[Handwritten signatures]
.....
.....
.....

Attorneys for the Cherokee Nation.

V. V. H.

J. C. S.

James S. Davenport being duly sworn states that he is one of the Attorneys for the Cherokee Nation; that he has read the above motion and that the statements therein contained are true as he verily believes.

Subscribed and sworn to before me this 17th day of Sept 1904. *[Signature]*
.....

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 16, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of CELIA KIRKPATRICK for herself and child, Ethel Daniels, Eva L. Finley for herself and children, Haydee and Frank Finley, and George Daniels for himself.

APPEARANCES:

Per Applicants, J. J. Bulger.

Per Cherokee Nation, W. W. Hastings, and J. S. Davenport.

~~XX~~

The records of this office show that on October 12, 1905, on motion of the Cherokee Nation, this case was reopened and remanded for further hearing by the Department. The records also show that on November 4, 1905, the principal applicants were duly notified by registered letter of the Department's action, and that these cases would be taken up for hearing on Thursday, November 16, 1905, and that the attorneys for the Cherokee nation would be permitted to appear and introduce testimony as they desired on that date, at which time the following proceedings were had.

C. W. LEARNED, being first duly sworn, testified as follows, on behalf of the Cherokee Nation:

BY MR. HASTINGS:

Q What is your name? A C. W. Learned.

Q What is your post office? A Neesho Falls, Kansas.

Q What is your age? A I will be,--I was born in '57, will make it about 49.

Q Were you born in 1857? A Yes sir.

Q How long have you resided at Neesho Falls, Kansas? A Ever since that.

Q Were you born there? A No sir, I was born in Iowa, I was a baby.

Q You came there when you were a baby? A Yes sir.

Q You have lived there then continuously since that time? A Yes sir.

Q Did you know a colored family there, the head of which was Tom Daniels.

? A Yes sir.

Q How early did you know Tom Daniels? A I don't know how much earlier than 1868 but I knew him along about 1868.

Q Was he living there at the time? A Yes sir.

Q Did he have a family, a wife? A Yes sir.

Q Where did he live when you first knew him in 1868? A Right close to the corporation, outside of the corporation.

Q Do you know whether or not his wife was any relation to Jim Landrum? A Sister I believe.

Q How long did he continue to live with his wife just outside of the corporation of Neesho Falls, Kansas? A They must have lived there 18 or 20 years I suppose when he was working at the mill, afterwards he got sick and quit.

Q At whose mill was he working? A It used to be Clark & Co. Mill then they sold it and changed hands around.

- Q About how much a place was Neosho Falls when the war closed?
A It was pretty small, I don't know what the population was then.
Q Your best judgment now, how much? A Three or four hundred.
Q About how large a place is it now? A Between 800 and a 1000.
Q Did you know Tom Daniels and his family, he and his wife? A Yes sir.
Q Did they have some children? A Yes sir.
Q Do you know any of their names? A A few of them. I know Eva Daniels and George Daniels and Fred Daniels and Frank.
Q What became of Frank? A I don't know, they all lived there.
Q What became of George? A I think he is the one that went to Wichita.
Q Do you know whether they had any children buried there? A Yes sir, I don't know how many, quite a lot though.
Q Did Tom Daniels die up there? A Yes sir.
Q Do you know about when? A I don't recollect just when he died, directly after he moved over in town, he didn't live there very long, he was sick when he moved to town.
Q Did you make any examination or cause to see when he bought property in Neosho Falls? A Somewhere along in 1888.
Q Where did he move from when he moved there in 1888? A From over in the country outside of the city limits.
Q Just outside of the city limits? A Might have been 40 or 80 rods over the line.
Q Had he lived there continuously since you first knew him? A Yes sir.
Q Did his wife and family move with him from out there into town?
A Yes sir.
Q What became of his wife and family after Tom Daniels died? A She lived there, worked around and washed awhile for people, and then she afterwards married a man named Kirkpatrick.
Q Did you know Kirkpatrick? A Yes sir.
Q Do you know about how long after Tom's death she married Kirkpatrick? A No sir, I don't recollect just how long it was.
Q Did you know her first name? A Yes sir.
Q What was that? A Celie.
Q Is she living, she and Kirkpatrick living up there yet? A No sir.
Q About when did they leave Neosho Falls? A They moved down here in the Territory when they left the Falls, must have been 10 or 12 years ago.
Q How did she live up there continuously with Tom Daniels from the time you first knew him until his death? A Yes sir.
Q Did she live there continuously afterwards until she married Kirkpatrick and until 10 or 12 years ago? A Yes sir, when she married Kirkpatrick they moved from there down here with him.
Q Did you ever know of her leaving that country and moving down here or away from there until after her marriage to Kirkpatrick?
A No sir.
Q You say Tom Daniels, her first husband, worked around a mill up there? A Yes sir.
Q Is it a mill you all went to and traded? A Yes sir.
Q Did you see him frequently? A Yes sir.
Q About how often would Tom Daniels come under your observation?
A Sometime two or three times a week and sometimes would not see him for a week or two.
Q But you saw him frequently? A Yes sir.

Mr. Hastings: Before cross examination in order that this might be inquired into, I desire to introduce a certificate of the Probate Court of Woodson County, State of Kansas, dated the 1st day of February, 1905, and signed by J. A. Gregory, Probate Judge and witnessed by the Clerk to the effect that on the 16th day of May, A. D., 1866, Tom Daniels and Sela, his wife, appeared before George L. Wait, County Clerk, and acknowledged themselves husband and wife according to the laws of Kansas in regard to colored persons.

On Behalf of the Commissioner: This certificate appearing to be in due form will be filed.

BY MR. HASTINGS:

- Q Did you know of the arrest and trial of Booth Hanks, charged with breaking into a store of Goss, Clark and McConnell? A Yes sir.
- Q Is there any way you connect Tom Daniels with that transaction or that trial? A Yes sir, on account of him being a witness.
- Q Did you know him at that time? A Yes sir.
- Q Had you known him prior to that time? A I might have known him but I couldn't just recollect how long before that.
- Q You fix a date from that time but you may have known him before but you are not positive to the date? A I fix the date from that because I know the circumstances, I might have known him before that but I am not positive.

Mr. Hastings: I desire now to offer a certificate from the Clerk of the District Court, County of Woodson, State of Kansas, to the effect that Booth Hanks was charged with breaking into a store of Goss, Clark and McConnell on or about the 18th of September, 1868, and that one Tom Daniels was a witness in said case.

ON BEHALF OF THE COMMISSIONER:

- Q Was the Tom Daniels mentioned in this certificate as being a witness in the proceedings had before the Court with reference to Booth Hanks being charged with an attempt to break into a store the identical person about whom you have been giving testimony?
- A That is the Tom Daniels, yes sir.

On Behalf of the Commissioner: This certificate will be filed.

Mr. Hastings: I desire now to offer a transcript of the papers of the Justice Court, signed by W. P. Simms, and James M. Spencer attorney for defendant, in the case of State of Kansas vs. Booth Hanks, dated October 16, 1868, continuing said case until next April term of Court.

On behalf of the Commissioner: This document will be filed.

BY MR. HASTINGS:

- Q Now as you were asked a moment or two ago, this Tom Daniels referred to in the first certificate filed and having been a witness in the case of the State of Kansas vs. Booth Hanks is the same Tom Daniels about whom you have been testifying? A Yes sir.
- Q Was he living there at that time? A Yes sir.
- Q You don't know how long he had lived there prior to that time? A No sir, I couldn't say.
- Q Did he own property in the State of Kansas? A Yes sir.
- Q Did he own property right on the outside of the town where he first lived? A Yes sir.

Q You state that he afterwards moved into town? A Yes sir.
Q Did he acquire property there? A Bought a house and lot there.
Q And he died there did he? A Yes sir.
Q After Tom Daniels died where did his wife Gelia continue to live?
A She lived there in that house.
Q In the same house? A Yes sir.
Q Until after she married Kirkpatrick? A Yes sir.
Q I believe you stated they lived there some 10 or 12 years ago
and came down to this country? A Yes sir, that is what they
said, they left there any how.

BY MR. BULGER:

Q You say that you first met and knew Tom Daniels in 1868? A Yes
sir.
Q You were then about 11 years old? A 11 years old.
Q Did you know anything of him prior to that date of your own per-
sonal knowledge? A I might have seen him a few times.
Q Do you know that you saw him in 1866? A No sir, I couldn't say
for sure.
Q Did you see him in 1867? A I couldn't say.
Q Did you see Gelia his wife in 1866? A I couldn't say.
Q In 1867? A I did in 1868.
Q You saw Gelia in 1868? A Yes sir.
Q What time of the year in 1868 was it you saw her? A Well I don't
know as I can recollect what time before this trial. The reason
I recollect this trial this man was staying at our house.
Q And you saw Gelia at that time? A No sir, she wasn't at the
trial but I saw her there around the place.
Q About the time of the trial? A Yes sir.
Q When was that trial? A In 1868.
Q September 18, 1868, it was charged? A Yes sir.
Q Then the trial was October 20, continued then? A Yes, that was at
the preliminary.
Q You don't remember having seen Gelia Kirkpatrick very long prior
to that time? A No sir, I might have seen her but I don't re-
collect.
Q Did you see her in the winter of 1868? A I couldn't say whether
it was in the winter or not.
Q Did you see her in the spring of 1869? A I couldn't tell you
anything back of that.
Q That is subsequent? A Yes sir, I saw her right along after that.
Q Did you ever miss her from that neighborhood any length of time?
A She might have been a way a week or so, something like that but
they never moved, I never knew them to move.
Q I don't mean Tom, did Gelia always live there continuously? A Yes
sir, always lived there.
Q Did she stay there herself? A I don't know, she might have been
away a week or so, if she wasn't there her family was there, she
might have been a way and back.
Q You don't know but what she personally might have been away? A
She might have been away but not long because we would have known
something about it, she visited Jim Landrum's folks who lived on
our place.
Q When was that? A From 1868 until they moved down here.
Q Do you know whether or not Gelia Kirkpatrick came down to the
Cherokee Nation after 1868 any time prior to the time she moved
down here with old man Kirkpatrick? A I don't know.
Q Do you know where George Daniels was born? A I think he was born
when they lived outside of the city limits.
Q Do you know where he was born? A Yes sir, I know where the
place was, I suppose he was born there, I wasn't there when he was
born.

- Q Do you know where Eva was born? A I think there was one born after they moved to town, that was the youngest one I think. I don't know whether that is the one named Haydee or not.
- Q Do you know where Ethel was born? A I think she was probably born after they moved to town.
- Q Was Tom Daniels living when Ethel was born? A I don't know but it was right close to there, she was born after they moved to town.
- Q Do you know that she wasn't born in the Cherokee Nation? A I don't think she was.
- Q Do you know it? A No sir, I couldn't swear to it, because I wasn't there, I don't think there was any of Tom Daniels' children born down here, if they did it was before they come up there.
- Q You say Tom Daniels was sick? A Yes sir.
- Q Do you know what was the matter with him? A Some thought it was the consumption, I don't know whether it was or not, he worked there a long time and they thought he inhaled the dust from the mill, but I think they thought he died with the consumption.
- Q Do you know whether or not he had consumption that was supposed to have been contracted in the army? A No sir, I don't. He lost a good many children up there and a good many people thought they died with the consumption.
- Q Did Tom Daniels send his children to school in Neesho Falls? A Yes sir.
- Q When he lived out in the country sent them to the Falls? A I think when they did go to school they went from there into town because it was quite a ways and bad roads up to the District school.
- Q What did Tom do around Neesho Falls all this time? A Worked in the mill until he got sick.
- Q How long was he sick before he died? A I don't know just how long he was sick.
- Q Was he in such a financial condition that he could get along without any assistance? A No sir, people helped him some.
- Q Did his wife remain with him all the time he was sick? A Yes sir, she lived with him, the old miller he worked for a long time, they helped him a good deal because he had been such a faithful man to him there.
- Q Did his wife leave there after Tom died before she married Kirkpatrick? A You mean leave town.
- Q Yes, leave Neesho Falls? A I don't think she did, I think Kirkpatrick married her and they went over on his place a little while, I don't know, but he married her there in town.
- Q How long did she and Kirkpatrick live together after they were married until they moved to the Territory? A I don't know how long. I think they brought him back there and buried him.
- Q Do you know who brought him back? A No sir.
- Q Then in substance you don't know a thing about these Daniels prior to about September, 1868? A Yes sir, that is about as far back, I might have seen them occasionally a little before that.
- Q Then after that you do know that Tom Daniels lived around Neesho Falls until his death? A Yes sir.
- Q And he kept his children with him there? A Yes sir.
- Q You don't know that his wife remained there all the time? A I know she lived there but she never moved away, she might have been away on a visit but never moved away.
- Q You don't know that his wife stayed there all the time? A Not unless she went away on a visit, never moved anything away from the house, she might have been off on a visit for all I knew, but they made that there home all the time.
- Q That is Tom made it his home? A Her and Tom both until the time she married Kirkpatrick and come down here.
- Q Did she remain at home all the time? A I couldn't say as I tell you.

BY MR. HASTINGS:

- Q You never missed her from there? A No sir.
Q How it is evident that she married Kirkpatrick about 1896?
A They continuously lived there until she married Kirkpatrick and moved down here.
Q Now you state you are positive you knew them from 1868 but you might have known them before but you fix that date from this trial? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q About how old is George Daniels? A I don't know just how old he is.
Q Do you know whether he came to the Cherokee Nation with Celia?
A When she came down with Kirkpatrick?
Q Yes? A I don't think he did.
Q Do you know whether he stayed up there after that? A No sir, they lived up there, I never saw any of the boys around after she married Kirkpatrick.
Q Do you know whether Eva came down with her? A I couldn't say, she used to work around up there.

WITNESS EXCUSED.

E. B. MOORE, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A E. B. Moore.
Q What is your post office? A Neosho Falls, Kansas.
Q How old are you? A I am about 57.
Q How long has Neosho Falls, Kansas, been your post office? A About '56 or '56, I think we came there in '58.
Q You have lived there since 1858? A Yes sir.
Q Did you know a colored man there with a family named Tom Daniels?
A Yes sir.
Q About when did you first learn to know him? A Well about the first time I learned to know him was, I think about 1867. There was a dance one night and Tom was playing a violin.
Q Where did he live at that time? A Just at that time I really couldn't say, but shortly after that he lived just north of my place, I lived right in the northeast corner of the city limits and owned land adjoining the town.
Q Your property that you lived on the city was the property just adjoining the property he lived on? A No sir, just adjoining the city limits.
Q Then he lived in the northeast corner of the forty that joined the city limits? A Yes sir.
Q How far from that forty did you live? A Just over the line on the south side.
Q On the next forty? A In the city limits.
Q Yes, but that would be the next forty in the city limits? A Yes sir.
Q When did you say you knew of him living out there? A Well he lived there on that ten acres ever since about 1870, that I know of, I first knew him, I don't know just where he did live.
Q But you knew him from 1867 on? A I didn't know just where he lived at that time but somewhere around the town.
Q Did you know he had a wife? A Yes sir.
Q Did you know her name? A Celia.
Q Was she related, or do you know to Jim Landrum? A She was a sister.
Q Did you know Jim Landrum also? A Yes sir.
Q How long did you continue to know Tom Daniels and his wife? A I knew them all the time up until Tom died.

- Q Where did Tom die? A There in the Falls, in the city.
- Q About how long had he been living there, how long had it been since he had moved from outside the city limits over into the town before he died? A I think he lived over there, I don't know just how long, some three or four or five years.
- Q You are not right positive about it? A No sir, I am not, right at that period, it was after that I was down at Cherryvale.
- Q You went to Cherryvale? A I didn't go there until 1897.
- Q Did Tom Daniels die there in Neosho Falls? A Yes sir.
- Q What became of his wife Celia after his death? A She still lived there.
- Q Did she afterwards marry? A Yes sir, she afterwards married a colored man named Kirkpatrick, he owned a piece of land just north of this land Tom owned.
- Q About how long did they live there before they left that country after she married Kirkpatrick? A I think they left there somewhere in about 1897 or 1898.
- Q Did you know Tom Daniels and his wife continuously from 1867 or 1868 until after Tom's death and then her until after her marriage to Kirkpatrick and until they moved and left for down here? A I did.
- Q What did Tom Daniels do? A He worked in a mill there all the time, I knew him until he became sick, became consumptive, quit work when he got unable.
- Q Did you have occasion to see him frequently? A Most every day, I lived right on the corner where he would go back and forth from home to the mill, come in contact with him most every day.
- Q Saw his wife frequently? A Quite frequently, didn't live over forty rods from us.
- Q Did they have some children? A Yes sir.
- Q Do you know where they lived and died up there? A Some died there / some went away, scattered around and left home, some went quite young.
- Q Do you know whether Tom took part in the elections or not? A He voted, I don't know whether he took any very active part.
- Q Did he own that tract of land up there on which he lived? A So I understand. I think there was nearly always a mortgage on it.
- Q Do you know whether he acquired any property in town when he moved in there? A Yes sir, he bought a lot in town, some cheap property.
- Q Who continued to occupy that after his death? A She did until she married, his wife.
- Q Until she married Kirkpatrick? A Yes sir, and he owned a forty acres northwest of where Tom used to live in the country and they moved out on his forty there.

BY MR. BULGER:

- Q You say you first remember Tom Daniels in the year 1867? A Yes sir, about then.
- Q Along in the winter time? A Yes sir.
- Q At a dance, playing the violin? A Yes sir.
- Q Was his wife Celia with him? A No sir, I don't know that she was.
- Q Did you know her then? A Not just then, no sir.
- Q How long after? A It might have been a year or two, about 1868 something like that, I knew more of them then that was the first time.
- Q You were just a young fellow these times? A Yes sir, just a young fellow, at a dance that night just looking on.
- Q Did you know the Celia Kirkpatrick to be in Neosho Falls the winter there or during the year 1868? A I never knew of her leaving there, I knew they lived right there and I am quite positive they never left unless it was on a visit.

- Q There is no question about Tom leaving there, but do you know of Celia personally to have gone away from there? A I don't know that she ever did.
- Q But do you know personally? A If she did she didn't go for a long time.
- Q Did you have occasion to see her? A Not more than any other family, she might have been gone a week or ten days.
- Q Month or two and you didn't have anything to do with them? A No sir, only knew them as a colored family there.
- Q You were acquainted with Tom Daniels? A Quite well acquainted with him.
- Q But knew nothing of Celia more than that she was Tom's wife?
- A Yes sir.
- Q But you don't know that Celia didn't come down, for instance to the Cherokee Nation to keep up her rights here? A I don't think she did come.
- Q You don't know that she didn't come? A No sir.
- Q Do you know where she was in 1866? A No sir.
- Q Do you know where she was in 1867? A In 1867 as I said when I first learned about Tom Daniels, I didn't know anything about his family.
- Q Do you know where Celia was in 1868? A As I said in 1868 and '69 I saw them right on from there.
- Q You see from this evidence Tom was married in 1866? A He was married before but they passed a law up there that all colored people that come from the Territory that didn't have license, they made them go and marry over.
- Q In order to free themselves from that adultery act up there?
- A Yes sir, they were living together before that.
- Q Do you know what year that Tom Daniels became ill enough to quit work? A Well that was somewhere near about 1890.
- Q About 1890? A Yes sir, 1890.
- Q He worked up until 1890? A He was probably off a year or so, I don't know just how long he quit, probably a year or so.
- Q Do you know in what year he died? A I think he died in 1890.
- Q Did you know those children of Tom's? A Yes sir, I knew some of them.
- Q Do you know when George was born? A No sir, I don't.
- Q Do you know where? A Part of them were born right over at the Falls, and I judge all of them, I don't know whether they had any children when I became acquainted with them.
- Q Do you know where the last child was born, Ethel? A I think on that ten acres on the northeast of me.
- Q Was she born after or before Tom died? A Before Tom died.
- Q Do you know whether or not all of the children were born in the State of Kansas? A I don't know whether they had any children before they came there or not, I don't hardly think they did, they might have possibly had one.
- Q Do you know whether the children were born after they came to Kansas after you got acquainted? A If they were not born before they came they were evidently born after they came there.
- Q Do you know whether they were born in the State of Kansas? A I told you I don't know, they might have had a child before they came there.
- Q Do you know whether or not all of the children after they reached Kansas, after you got acquainted with them in 1868, were born in Kansas? A I think they were all born in Kansas after that.
- Q You just think that? A I am quite positive.
- Q Because Tom's residence was there? A They lived there and I knew of the family.

- Q Did you miss this woman Celia from Kansas in 1860 or any time during the time? A No sir, I didn't.
- Q You had no occasion to remember it? A No sir.
- Q Did you miss her from Kansas in 1870? A Never did miss her from Kansas as far as that is concerned.
- Q Have you ever had occasion to miss her? A No sir, not as I know of.
- Q You just knew her as the wife of a darkey that lived there in town? A Yes sir, knew they lived there and had their family there and living there continuously. I worked with Tom Daniels at the mill in 1870 and lived there from that on.
- Q Where did Celia go after Tom died? A When she married Kirkpatrick he took her out on his place.
- Q Did she come back to the Cherokee Nation or leave that neighborhood after Tom died before she married Kirkpatrick? A No sir, she didn't, not that I know of.
- Q Do you know that she didn't? A I am quite sure she didn't, but of course she might have went visiting but I don't know as to that. They always had a home there, she lived there until she married Kirkpatrick.
- Q How long did she live there after she married Kirkpatrick before she came down here? A There until about 1895 or 1896.

W I T N E S S E X O U S E D.

J. A. LYNN, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A J. A. Lynn.
- Q What is your post office? A Neosho Falls, Kansas.
- Q What is your age? A 55.
- Q How long has Neosho Falls, Kansas, been your post office? A We have lived there 41 years last September.
- Q You lived there then and now during the war? A Yes sir, same there during the war.
- Q In 1864? A Yes sir.
- Q Did you know a colored man with a family by the name of Tom Daniels? A Yes sir.
- Q Did you know Booth banks? A Yes sir.
- Q Do you remember any circumstance of his getting into some trouble and being charged with breaking into a store of Cass, Clark & McConnell? A Yes sir.
- Q Do you remember whether you knew Tom Daniels at that time? A I did, I knew him at that time and probably before.
- Q You fixed it from that time? A Yes sir.
- Q You say you knew him before that time but don't remember how long? A No sir.
- Q Do you remember whether this Tom Daniels was a witness in that trial? A No was.
- Q Did you know his wife? A Not personally acquainted with his wife.
- Q You knew he had a wife? A I knew he had a family.
- Q Do you know where they lived when you first knew him? A Yes sir.
- Q Where? A About three quarters of a mile northeast of Neosho Falls just outside of the city limits? A Yes sir, on the north across adjoining.
- Q You say he had a family at that time? A Yes sir.

- Q Did he own some land there? A I suppose he owned that land, he lived on it for several years.
- Q He had a family you say? A Yes sir.
- Q Have some children? A Yes sir.
- Q How long did he continue to live there? A He lived there as long as his health was good, then he moved to town after his health broke down, perhaps 20 years anyway.
- Q Did he move from there in to Neosho Falls, in the town? A Yes sir.
- Q What did he do while living outside the city limits? A He worked around the mill.
- Q Did you have occasion to see him frequently? A Yes sir, it was where we had out grinding done.
- Q About how large a place was Neosho Falls when you went there at the close of the war? A Perhaps two or three hundred.
- Q You knew about everybody there? A Yes sir.
- Q You say you know he had a family? A Yes sir.
- Q Do you know whether or not his wife was in any way related to Jim Landrum? A My understanding was she was a sister.
- Q Did you have occasion to see her? A Yes sir, but I wasn't personally acquainted with her until after Daniels' death and she married Kirkpatrick.
- Q But you did afterwards become acquainted with her? A Yes sir.
- Q Where did Tom Daniels die? A In Neosho Falls.
- Q And you say she afterwards married a man named Kirkpatrick? A Yes sir, that land adjoining Kirkpatrick was mine.
- Q Then they bought some land adjoining you? A Yes sir.
- Q Did they move out there? A Yes sir.
- Q Where did they move from? A Her property in Neosho Falls on Kirkpatrick's farm.
- Q Did they move from property where Tom Daniels had been living prior to his death? A Yes sir.
- Q From that same house? A Yes sir.
- Q How long did they live out on this land that you speak of near you then before they left that country? A Well I don't know, there is nothing I can remember it by, they left out there about 4 or 5 years, maybe 3 or 4 years, I don't know just how long.
- Q About how long ago did they leave that country? A They left there 7 or 8 years ago.
- Q You mean then to testify that you are positive of knowing Tom Daniels as early as this Booth weeks trial in 1868 and perhaps before, and you know he had a family? A Yes sir.
- Q And you knew he lived there continuously until his death? A On the farm and in town, yes sir. Of course I was perhaps as much as three months at a time a way going to school. Three months was perhaps the longest I was ever out of the neighborhood.
- Q And when you went back you found Tom Daniels there every time? A Yes sir.
- Q Did you ever have any occasion to miss Tom Daniels and his family away from there? A No sir.
- Q As far as you know he lived there all the time? A Yes sir.
- Q What became of the property that Kirkpatrick bought out next to you? A He sold it to a Mr. Brenner.
- Q Is Kirkpatrick alive or dead, do you know? A He is dead as I understand, they brought him back to Neosho Falls.
- Q You understand they brought him back for burial? A Yes sir.
- Q You were not at the burial? A No sir.

BY MR. BULGER:

- Q The first time you knew of Kirkpatrick having known Tom Daniels was about September 18, 1868, was it? A I can date that by the circumstances that happened at that time but I was acquainted with Tom before that.

- Q Did you know his wife Gelia at that time? A Wasn't personally acquainted with her.
- Q Do you know where she was? A I suppose she was at home.
- Q Do you know? A Of course I don't know, his wife might have been away from home quite a little while.
- Q When did you become personally acquainted with Gelia? A After she married Kirkpatrick.
- Q That was what year? A It was somewhere in the 90's, I think, I couldn't state positively.
- Q Do you know anything about her location during the year 1866?
- A Not personally with her, Tom was the only one of his family I knew.
- Q Did you know Tom in 1866? A I presume I did, because I was there in 1864, he was at the mill in 1868.
- Q Did you know Gelia in 1867? A Not that I know of, I wasn't personally acquainted with her.
- Q You don't know a thing about her only that Tom had a wife and you supposed his wife was living there and you became personally acquainted with her after she married Kirkpatrick in 1890's sometime? A Yes sir.
- Q You don't know where Gelia was all this time? A No sir, not a thing about her.

BY MR. HASTINGS:

- Q What you mean to say you knew he had a wife and family but didn't know her name? A I knew her name.
- Q But you were not personally acquainted with her? A I was personally acquainted with some of the Children and Tom.

BY MR. BULGER:

- Q What was Tom's physical condition in 1868? A He seemed to be healthy, and worked around about the mill.
- Q Did he have any indications of consumption? A I didn't know anything about it until he was taken down.
- Q Do you remember anything about what kind of consumption? A No sir, I don't know.
- Q Do you remember what was the cause of that consumption? A No sir, I don't.
- Q Do you know where Gelia went after Tom's death before she married Kirkpatrick? A She lived in Neosho Falls, as far as I know.
- Q You don't know where she was personally? A No sir.
- Q You knew all these children? A I knew some of them.
- Q Were they sent to school there at Neosho Falls? A I don't know, I wasn't in that school district.

ON BEHALF OF THE COMMISSIONER:

- Q Did Gelia Kirkpatrick bring her children down to the Cherokee Nation when she came? A There was some she didn't, they were buried up there.
- Q Do you know the names of her children alive when she came down here? A Ethel was the baby, and I don't know about the others, there was one the boys left, some of them were dead, one died after she married Kirkpatrick.
- Q Did she have a child named George? A Well I think she did, I was better acquainted with Fred and Frank and Dunward.
- Q Do you know her oldest daughter? A Not positive, I think her name was Cynthia but I would not be positive.
- Q Do you know whether she had a daughter named Eva? A Yes sir.
- Q What became of Eva when Gelia left Kansas? A She wasn't living right in the neighborhood, she was living away from there, I don't know where.

WITNESSES EXCUSED.

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GEORGE H. LYNN, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A George H. Lynn.
- Q What is your age? A 50.
- Q What is your post office? A Neosho Falls, Kansas.
- Q How long has that been your post office or how long have you lived in that vicinity? A Ever since September, 1864.
- Q Did you learn to know a colored man up there by the name of Tom Daniels? A Yes sir.
- Q About how early do you think you learned to know him? A I judge it was in the 60's but I couldn't say just exactly when.
- Q How long after the war? A Probably a couple or three years.
- Q Did she have a family? A Yes sir.
- Q Where was he living? A He was living north of Neosho Falls.
- Q About how far from the city? A About a quarter of a mile.
- Q How long did he continue to live there with his family? A I would judge he lived there for, --I don't know exactly, about 15 or 20 years.
- Q What finally became of Tom Daniels? A He died in Neosho Falls.
- Q Had they moved from the country into town? A Yes sir, moved from the place his health failed him.
- Q Before his health failed him what had he been doing principally? A Working around the grist mill there.
- Q Did he and his wife have some children? A Yes sir.
- Q Did you have occasion to see him and the members of his family frequently? A Yes sir, I would see where he lived and see he had a family.
- Q You never visited his house, just knew he had a family? A Yes sir and knew where he lived.
- Q Do you know whether he moved his family into town? A Yes sir.
- Q Do you know whether he owned a house there? A Not any more than I just understand he had bought that place where he lived.
- Q Where did his wife continue to live after he died? A I couldn't say, that is right immediately after his death, but I didn't know of her leaving, or living anywhere else except where he died.
- Q Did she marry anybody? A Yes sir, she married Kirkpatrick.
- Q Then what became of her? A They moved about a half mile east on Kirkpatrick's place.
- Q Then her husband Kirkpatrick owned a farm? A Yes sir.
- Q About when did he leave up there? A In the neighborhood of 7 or 8 years ago.
- Q Now say from a year or two after the war when you first learned to know Tom Daniels did you ever miss him from there up until his death? A No sir.
- Q Did you ever miss his family away from there up until after his wife married Kirkpatrick? A No sir, I never missed his family.
- Q You had occasion to see him as you did other people? A Yes sir.
- Q Did you ever know of Tom, his wife and family moving from there down to the Cherokee Nation prior to his wife's marriage to Kirkpatrick? A No sir.
- Q You say they had some children? A Yes sir.
- Q Do you know any of their names? A I don't remember their names. I heard of a boy they called Dunward and knew of a girl or two after she married Kirkpatrick. She would come to our house and help my wife clean house.
- Q Did you know Mrs. Kirkpatrick's first name? A No sir, I don't remember her given name.
- Q Do you know whether she was related to Jim Landrum? A Always understood she was a sister of Jim Landrum.
- Q But this woman that you knew as Kirkpatrick's wife was the same woman that had formerly been the wife of Tom Daniels? A Yes sir.

BY MR. BULGER:

- Q When did you say you first became acquainted with Tom Daniels?
- A I couldn't say exactly but I would judge from circumstances that happened that it was in the latter part of the '60's.
- Q Did you become acquainted with his wife at that time? A Not personally, no sir.
- Q Did you become acquainted with any members of his family at that time? A No sir.
- Q Were you ever at his home place there in Neosho Falls? A Not in the house, no sir.
- Q Did you ever see his wife Gelia, prior, well in the '60's, did you ever see her there? A I probably had seen her but I don't have any remembrance of seeing her.
- Q You don't know anything about Gelia at all? A Not as Gelia I don't.
- Q But the wife of Tom Daniels? A I saw her there.
- Q That is in the '60's? A No sir, not that I know of in the '60's.
- Q Do you know where she was in 1866? A No sir.
- Q In the year 1867? A No sir, I couldn't say the positive date.
- Q In 1866? A Well from what I can understand I didn't know her personally, I knew Tom and that he had a family.
- Q Do you know that Gelia Daniels at that time lived and remained physically in this Tom Daniels' home continuously? A No sir, I wasn't at the house but could see he lived there, I knew he had a family.
- Q Do you know about Tom Daniels physical condition? A I know he made a good trusted hand, went by that name.
- Q Did you understand that he was afflicted with consumption? A Yes sir, simply because I heard of his having so many children that died with consumption, then I knew him when he had the consumption.
- Q Did you ever talk with him about that disease? A I couldn't say that I did, I went to see him while he was lying sick, I knew he had the consumption.
- Q In what year did he die? A I couldn't tell exactly what year but I would judge about 15 or 16 years ago.
- Q Do you know where the youngest child of Tom Daniels was born?
- A No sir, I don't.
- Q Did you know Gelia Kirkpatrick during her widowhood, from the time of Tom's death until she married Kirkpatrick? A I have no personal remembrance of it at all, probably I knew of it then but I can't call it to mind.
- Q Do you remember what year she married Kirkpatrick? A I couldn't say exactly.
- Q Do you know how long she lived with Kirkpatrick then before she moved to the Territory? A No sir, I don't know how long but I judge three or four years.
- Q Then about all you know about Gelia Kirkpatrick is that you understood she was Tom Daniels wife until about the time of Tom's death, and then you became personally acquainted with her, and knew she married Kirkpatrick? A I never knew her as Gelia, I knew Kirkpatrick married Tom Daniels' widow and I saw her at our house afterwards.
- Q And all during the '60's and '70's you know nothing about this woman personally? A No sir, nothing about her personally.
- Q Nor in the first of the '80's you didn't know her personally, anything about her location only you understood that Tom Daniels had married Jim Landrum's sister? A Yes sir, I always understood they were brother-in-law, that Tom Daniels married Jim Landrum's sister.

BY MR. HASTINGS:

Q You knew Tom had a family? A Yes sir.

Q But you didn't get personally acquainted with his wife? A No sir.

BY MR. BULGER:

Q But you don't know that Tom's wife was away from his home a part of the time do you? A I never heard of her leaving.

Q You don't know that she wasn't away do you? A No sir, I wasn't there at Daniels' place until I went to see him just before he died.

Q She could have been away from there two or three months at a time and you knew nothing about it? A Yes sir, I suppose she could, but I think I would have heard of it.

WITNESS EXCUSED.

Mr. Bulger: First I want to move for a continuance of this case until two weeks from today to give Gelia Kirkpatrick an opportunity to introduce whatever testimony she desires in support of her claim. Second, I desire to introduce the certificate of Dr. Louis Bagby. I also desire to introduce an affidavit of Nellie Landrum, a Cherokee Indian, who swears on the 15th day of November, that she is physically unable to make the trip on the 15th. Then I desire to introduce these interrogatories to be propounded to Nellie Landrum in the form of a deposition. Now besides the physical condition of the principal applicant, Gelia Kirkpatrick, and the witness, Nellie Landrum, on behalf of the principal applicant, Gelia Kirkpatrick, I wish to state that the letter of the Secretary of the Interior of the 12th of October, 1905, states that as the Cherokee Attorneys have ascertained that the principal applicant's witnesses are disreputable and entirely unworthy of belief, they will again be given an opportunity to introduce evidence to impeach such witnesses. Inasmuch as the entire evidence in this case here today was not a long time as designated by the Secretary of the Interior, and inasmuch as the principal applicant is physically unable to be here and one of her witnesses unable to be here, I desire to ask that this case be continued until two weeks from today to give the principal applicant an opportunity to introduce her witnesses. It will be noticed that on the 12th day of October, 1905, the Secretary of the Interior remanded this case and it was not until November 4, 1905, that the Bureau Commission or the Commissioner to the Five Civilized Tribes notified the applicants of the matters, and for all these reasons I desire a continuance as asked.

Mr. Hastings: The Cherokee Nation objects to the motion for continuance first upon the ground that the alleged certificate of the doctor as to the illness of Gelia Kirkpatrick, the principal applicant is not sworn to, and is therefore not admissible in evidence under the rules of practice in this Territory. Second, it is not alleged in the affidavit of Nellie Landrum of the facts about which testimony is desired, and therefore it is not shown the same is relevant and material, and third, the Cherokee Nation objects to taking depositions in this case because it has not been the rules of practice of the Commission, and fourth, we object for a continuance in this case for the reason that as the record hereinabove shows that this case was reopened and remanded upon motion of the Attorneys for the Cherokee Nation with affidavits attached of G. W. Learned, H. B. Moore and J. S. Lynn, all three of whom were brought from Seelye Falls, Kansas, and in addition, George H. Lynn, and it is unfair to the Cherokee Nation to have this case continued when these witnesses

could not be used in rebuttal of any testimony attempted to be introduced on behalf of the applicants. Fifth, it is not shown that Gelia Kirkpatrick could have gotten any other evidence if she desired to introduce on her behalf, and neither is it shown that Nellie Lawdum is the only person who could be secured as a witness to testify in her behalf, and inasmuch as it is a question of her return and continuous residence in the Cherokee Nation in 1866 and subsequent thereto, in the event that this applicant claims to have returned or did return and establish a residence, she certainly could have been able to secure other witnesses other than Nellie Lawdum to appear before the Commission and testify to that fact. The record shows that Gelia Kirkpatrick lives in the town of Vinita, 48 miles north of Muskogee on the M. K. & T. railroad, and the record further shows that she was notified on the 4th of November, 1906, or 12 days before this case was set down for trial, and therefore had plenty of time to consult with her attorneys who resided in the same town and make preparation for her trial upon this date. Especially in view of the fact that she was notified that witnesses who lived outside of the Indian Territory and in the State of Kansas would be present to testify in her case.

Mr. Bulger: In reply to this statement of the representative of the Cherokee Nation, the representative of the applicants begs to submit that this applicant, Gelia Kirkpatrick, did not receive official notice of the fact that her case was set for retrial today until almost a month after the fact was known to the Cherokee Attorneys, and that she is a very poor woman and wasn't financially able to employ or secure a number of witnesses to bring down here from Kansas, Vinita or elsewhere to rebut and all sort of evidence that the Cherokee representatives might produce, and inasmuch as the motion for the remanding of this case filed by the Cherokee Attorneys, which is supported by the affidavits of the witnesses, some of whom testified here today, did not state the same facts that the Secretary of the Interior granted the representatives of the Cherokee Nation permission to prove or disprove, and inasmuch as this whole matter has been of a nature entirely unexpected to this applicant, she asks that this case be continued until two weeks from today, and that on that date she be permitted to introduce then evidence she may desire in support of her application.

On Behalf of the Commissioner: The documents offered on behalf of the applicants, not appearing to be in due form, will not be filed. As the case was reopened on motion of the Cherokee Nation, it being alleged that the applicant was physically unable to appear in person on this day, the case will be continued on motion of the Attorney for applicant, but as it is probable two weeks from today will fall on Thanksgiving, this case will be continued until December 7, 1906, at nine o'clock A. M.

George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 22nd day of November, 1906.

George H. Lessley
Edward Morris
Notary Public.

Cherokee Freedmen 1456-1457-1458.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MURKOGEE, I. T., DECEMBER 7, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application
for the enrollment of CELIA KIRKPATRICK ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, J. J. Bulger,

For Cherokee Nation, J. H. Davenport and L. B. Bell.

The records of this office show that this case was con-
sidered, by agreement, from November 16, 1905, to December 7, 1905,
at which time the following proceedings were had.

CELIA KIRKPATRICK, being first duly sworn, testified as follows:

BY MR. BULGER:

Q What is your name? A Celia Kirkpatrick.

Q What is your post office? A Vinita.

Q Are you an applicant for enrollment as a Cherokee freedman?

A Yes sir.

Q Were you the slave of a Cherokee citizen at the commencement of
the war of the rebellion? A Yes sir.

Q Who was your owner? A Ben Landrum.

Q Did you remain in the Cherokee Nation during the war? A No sir,
went out.

Q Where did you go during the war? A Went to Kansas.

Q Did you return after the war? A Yes sir.

Q With whom did you return? A With Lewis Nowe and Arch Landrum.

Q Where did you live when you first came back? A On Grand River.

Q With whom? A George Landrum, my father, and Simon Landrum,
my father-in-law.

Q And you married when you -- you were married when you went out of
the Cherokee Nation before the war? A Yes sir.

Q What was your husband's name? A Tom Daniels.

Q Did Tom return with you when you returned to the Cherokee Nation
after the war? A Yes sir.

Q What year was that? A I don't remember.

Q How long after the war ended? A I believe it was in the spring.
I think it was the next spring.

Q What did Tom do during the war, your husband? A When he was
able to he did first one thing and then another.

Q I mean during the war? A In the fall of the war.

Q What was he doing in the war? A He was a soldier.

Q Do you know what regiment he was in? A He was in a colored reg-
iment.

Q Union army? A Yes sir, I believe so.

Q When was he mustered out? A I don't know.

Q How long after he was mustered out did you talk with him in the
Cherokee Nation? A Well as I said while ago, I think it was the
next spring.

- Q Did he remain in the Cherokee Nation when he came down? A Yes sir, he went back on account of his health, had the consumption, come home sick.
- Q How long did he remain that time? A A year or two months.
- Q Then where did he go? A Went back.
- Q Did you go back with him? A Not right at the time I went afterwards.
- Q Did he return to the Cherokee Nation any more? A Yes sir, he come back, back and forth.
- Q Did you move anything down to the Cherokee Nation when you came the first time? A We brought our building and clothes.
- Q Did you pick out a location? A Yes sir.
- Q A farm? A His father had a place for him, and when we first stayed there, then at my father's and father-in-law's, where we could stay.
- Q How long did you stay in the Cherokee Nation after you returned that time? A I guess about 7 months.
- Q Then where did you go? A I went to Fort Gibson.
- Q Where is Fort Gibson? A Down here below Wagoner.
- Q In the Cherokee Nation? A Yes sir.
- Q How long did you remain in Fort Gibson? A Two or three months.
- Q Then where did you go? A Went back to Grand River.
- Q How long did you remain on Grand River then, have you lived there ever since? A Yes sir, off and on, yes sir.
- Q Have you any children? A Yes sir.
- Q What are their names? A My oldest is George Daniels.
- Q Where was George born? A On Grand River.
- Q At whose place? A My father-in-law's, Shoon Landrum.
- Q What is the next child's name? A The next child is Eva.
- Q Is Eva alive now? A Yes sir, Eva Finley.
- Q Where was Eva Finley born? A She was born at Aunt Caroline's.
- Q That is what? A My step-mother.
- Q George Landrum's wife? A Yes sir.
- Q Where was the next child born? A There at Aunt Caroline's.
- Q Which is that? A Ethel Daniels.
- Q When was Ethel born? A She is 16 now, was the 3rd day of July.
- Q Where were you living at that time? A On the river.
- Q Where was Tom Daniels living when Ethel was born? A He was sick.
- Q Where did he die? A He died in Kansas.
- Q Had Tom Daniels been sick quite a while before he died? A Yes sir.
- Q What was the matter with him? A He had the consumption.
- Q You say you had some children died, how many were that? A Four.
- Q What disease did they die with? A Consumption.
- Q Did they live and die in Kansas? A Yes sir.
- Q Where did you live, where were you? A On there, back and forth to Neosho Falls.
- Q Back and forth from Kansas to the Cherokee Nation? A Yes sir.
- Q Which did you consider your home, Kansas or the Cherokee Nation?

Mr. Davengert: I object to that, her husband and she lived where her home was and not that she considered, ~~Shoon Landrum~~.

A Grand River, Cherokee Nation.

BY MR. DAVENPORT:

- Q You left the Cherokee Nation during the war, you and Tom, your husband, and went to Kansas? A Yes sir.
- Q In what place in Kansas did you go? A Neosho Falls.
- Q How long did you stay there, you and Tom, and then back to the Cherokee Nation? A As long as I remember, we were in Kansas, and then back to the Cherokee Nation.
- Q What was the matter with Tom?

- Q How old is your son George? A I couldn't say, his name is on the book here I guess, I don't remember.
- Q About how old is he? A I couldn't say, I won't try.
- Q Well when was he born, what year? A That is too hard for me.
- Q How old is Eva Finley, was George born before the war? A No sir.
- Q Was Eva born before the war? A No sir, I don't remember.
- Q How long after the war was it until George was born? A You will have to ask somebody that knows, I can't remember.
- Q You remember when you lived at Neosho Falls, Kansas, do you not?
- A I remember when I was there.
- Q Do you remember when you lived in a little house on the east side of the river and just across from the main public road there where a man ran a mill? A No sir.
- Q Did you ever live on the east side of the river there about from the real town of Neosho Falls, Kansas, was and near where there was a mill? A No sir, we lived in town.
- Q Wasn't it on the opposite side of the river there from the main part of the town at one time you lived? In order that you may specifically answer yes or no, I will ask you if you didn't live in the town of Neosho Falls, Kansas, and just across the big road from where there was a mill on the bank of the river? A Yes sir, we stopped there awhile.
- Q You stopped there quite awhile didn't you? A No sir, I was in the house.
- Q While living there I will ask you if you ever knew a family named Fenders, who lived just across the road and up the road from the mill? A No sir.
- Q Have you seen that old gentleman out there today? A No sir.
- Q I will ask you if while living in Neosho Falls, Kansas, if you got acquainted with Charlie Learned? A I knew old man Learned.
- Q You knew his boys didn't you? A No sir.
- Q Didn't you know Charlie? A I knew of his father.
- Q When was it you knew old man Learned? A I don't know what year, it was when I was passing through there and I worked for him some.
- Q Where were you going when passing through? A Up to Neosho Falls and back to Grand River.
- Q Are you any relation to Jim Landrum? A No sir, no relation only sister.
- Q Do you know when Jim Landrum lived on Learned's farm there at Neosho Falls, Kansas? A I think he worked for him awhile but I can't know whether he lived there on the farm or not.
- Q I asked you if you knew? A No sir, I don't.
- Q Did you ever know a man named Griffith that lived there? A I knew Jim Griffith.
- Q He has a son at Vineta now? A Yes sir.
- Q And you knew him at Neosho Falls, Kansas? A Yes sir.
- Q You were living there when he was to see you? A Yes sir, when he did live there, just stayed awhile.
- Q Don't you remember Mr. Fender's who lived there and ran the engine at the mill there? A No sir, I don't remember him.
- Q Your husband Tom Paul's was at Neosho Falls? A Yes sir.
- Q There is that gentleman I was speaking about, did you ever see that old man finishing Mr. Fender's? A Yes sir, I have seen that man once or twice.
- Q Was George born before your husband died? A Yes sir.
- Q Wasn't you and your husband living at Neosho Falls, Kansas, the time he died? A Yes sir.
- Q And were not you looking after him, the people that were and then he died? A Yes sir, I was looking after him, but I don't know what he died of.

- Q Be you want to be understood that you and ~~brother~~ George Daniels didn't live in a house and wasn't living there cooking, eating and sleeping in a house at Neosho Falls, Kansas, prior to his death for many years? A No sir.
- Q Where were you when Tom Daniels died? A I was there at Neosho Falls.
- Q I made a mistake in my question awhile ago, I want to ask you now if it isn't a fact that your husband was died in Neosho Falls, Kansas, and yourself wasn't living, cooking, and sleeping and eating in a house in or near Neosho Falls, Kansas, and had been for several years prior to your husband's death? A No sir, just like I told you what I went in and out.
- Q I am not asking anything about living in and out, I want to know about living there? A No sir.
- Q Did you ever get acquainted with a man named Moore at Neosho Falls, Kansas? A Yes sir.
- Q Didn't you live near where he lived at the time of your husband's death? A No sir.
- Q Where was your husband when he died? A Over the river town.
- Q Was he at a hotel or boarding house? A No sir, at a little house there, rented.
- Q Who was living with him? A Nobody.
- Q There by himself? A No sir, with an old man named Kirkpatrick.
- Q The man you afterwards married? A Yes sir.
- Q Where were you? A I was there part of the time and part of the time here at father's.
- Q Wasn't he making his home in that house and living there up to the time of his death? A No sir.
- Q Didn't live there? A He was there during the sickness.
- Q Wasn't he there before his sickness? A Yes sir.
- Q Didn't he live there in the house and didn't you live with him before his sickness? A Yes sir.
- Q When were you and Tom Daniels married? A Before the war.
- Q Were you married after the war too? A No sir.
- Q Wasn't you and Tom Daniels married in the County of Kansas, at Neosho Falls, Kansas, in 1866 under the laws of the State of Kansas? A I don't remember. No sir.
- Q Did Tom Daniels ever keep house in the Cherokee Nation after the war? A Yes, at his father's.
- Q Was it his house or his father's house? A Place his father give him.
- Q Where did his father live? A Over there across the river.
- Q Where were you and Kirkpatrick married? A Up in Kansas.
- Q At what place? A Neosho Falls.
- Q When? A I don't know when it was, I don't know what year.
- Q How many years ago? A I don't remember.
- Q Was it after Eva was born? A I had all of Tom's children.
- Q As I understand you you say Eva was born on Grand River? A Yes sir.
- Q Which one of the children was born at Neosho Falls when that doctor attended you? A It was one that is dead.
- Q Was that an older or younger child than Eva? A It was an older one.
- Q Where was George born? A On Grand River.
- Q What year? A I told you I didn't know.
- Q Don't you know what years it was your children were born? A I know when they were born but not what year.
- Q Don't you know that George Daniels who is the son of Tom Daniels who you are the mother of was born on the river at Neosho Falls, Kansas? A No sir.

Q Do you say now that he was not born there? A No sir.
 Q Where was George Daniels, your son, born? A On Grand River.
 Q At what place? A At Simon Lynch's place and Halls.
 Q Was George born before you and your husband Tom Daniels were married after the war closed? A He was born after Tom came home.
 Q I said was he born after your marriage ceremony that was gone through after the close of the war under the laws of the State of Kansas? A I don't know a thing about it.
 Q I believe you said there was no marriage ceremony? A As I remember no.
 Q You would have remembered it if you had been married wouldn't you?
 A I was married when I went out of the Nation.
 Q I said if you were married in Kansas you would remember it?
 A Yes sir.
 Q Well were you married or were not? A I don't remember it.
 Q Do you state that you were not married in Kansas? A Not as I remember.
 Q Didn't you tell me awhile ago positively that you were not married in Kansas to Tom Daniels? A Yes sir.
 Q Was that the truth? A I think that is the truth.
 Q What year did Tom Daniels die? A I don't remember that.
 Q Do you know what year this is? A No sir.
 Q What year did you move to Vinita? A I don't know what year it was.
 Q Where did you move from when you went to Vinita? A From Grand River.
 Q Where -- Is Kirkpatrick dead? A Yes sir.
 Q Where did he die? A He died at Vinita.
 Q What year? A I don't know what year it was.
 Q Was he buried at Vinita? A No sir.
 Q Where was he buried? A Buried in Kansas.
 Q At what place? A Neosho Falls.
 Q Same place where he and you married? A Yes sir.
 Q Didn't he die at Neosho Falls? A No sir.
 Q Who treated him in his last sickness? A Dr. Chickadee.

ON BEHALF OF THE COMMISSIONER:

Q Your son George is shown upon the Kern-Clifton roll to be about 34 years of age now, do you think that is about right? A I reckon that is about right.
 Q Were you and Tom Daniels ever married more than once? A Not as I remember, I remember being married here before we went out of here.
 Q That was before the war? A Yes sir.
 Q Did you return to the Cherokee Nation at the same time your brother Jim Landrum did? A Yes sir, I think he was along in the crowd.

BY MR. BULOHNT:

Q This marriage certificate they have been talking about, do you remember anything about after the war about the officers in Kansas requiring all colored people to get or go through a sort of ceremony under the laws of the State of Kansas.

Mr. Davenport: I object to that as leading and trying to corrupt her.

A No sir.
 Q You say you don't remember anything about it? A No sir.
 Q Did Tom Daniels ever come back to the Cherokee Nation after he went up there that time? A Yes sir, he came there twice.
 Q How many times did you come? A I don't know.

ANNA THOMAS, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Anna Thomas.
Q What is your post office? A Muskogee.
Q Where do you live? A Cherokee nation, down on Dirty.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Are you married? A Yes sir.
Q What was your name before you were married? A Landrum.
Q Who is your father? A George Landrum.
Q Who is your mother? A Peggie Landrum.
Q How old are you now? A I guess I am about 33.
Q Were you the slave of a Cherokee citizen at the commencement of the war of the rebellion? A Yes sir.
Q Did you remain in the Cherokee nation during the rebellion? A No sir, not during the war, they carried us to Kansas.
Q Did you return to the Cherokee Nation? A Yes sir.
Q When did you return? A We came back when they said for us to come back.
Q With whom did you come? A With my sister Gelia.
Q Who else? A My sister Gelia, my grandmother, there was a whole lot of us come, I couldn't exactly tell all that did come when she come.
Q What year was that? A I don't know what year I guess it was in '66.

Mr.avenport: I object to her guessing at it.

- A Well it was along in that time when all the freedmen had to come back to the Cherokee Nation.
Q Are you enrolled as a Cherokee freedman? A Yes sir.
Q What rolls are you on? A I am on all the rolls made in the Cherokee nation, the '60 roll, the \$10.00 enrollment when they enrolled for the \$10.00 they enrolled me then, I am on all the enrollment that they ever made in the Cherokee Nation, my name is there.
Q And you say Gelia this present applicant came back when you did? A Yes sir.
Q Do you remember how long she stayed here when she came back? A No sir, I don't remember just exactly how long she stayed.
Q Was she married at that time? A Yes sir.
Q Who was her husband? A Tom Daniels.
Q Did he return to the Cherokee Nation with her? A Yes sir.
Q Was Tom Daniels the slave of a Cherokee citizen at the beginning of the war? A Yes sir, I suppose he was.

Mr. Aavenport: I object to her supposing, if you don't know say so.

- A It is just like I recalled when we were taken from here to Kansas.
Q How long did Tom remain in the Cherokee Nation when he came back that time? A No sir, I don't remember just how long he stayed.
Q Do you know where he lived? A Up on Grand River.
Q With whom? A At his father's, Simon Lynch.
Q Did they live any place else besides with his father? A Not as I know of.
Q Did Gelia live with her? A Yes sir.
Q You were only a small girl then were you? A Yes sir, I was about 12 years old.
Q Do you remember how long Gelia lived with her at that time? A No sir, I don't remember just how long she lived at that time.
Q Did you ever see Gelia in the Cherokee Nation after that time? A No.

BY MR. DAVENPORT:

- Q How do you live there? A On Dirty.
 Q How long have you been there? A About 24 years.
 Q Have you ever lived on Grand River since the war? A Yes sir.
 Q What place? A On Lynch's Prairie, my father lived on Lynch's Prairie.
 Q When was it your father lived there? A That has been about over 30 years ago.
 Q How do you think it has been any longer than 30 years ago? A Well it has been 30 years ago since I was there.
 Q Did you go direct from Kansas to Lynch's Prairie? A Yes sir.
 Q And that was about 30 years ago? A Yes sir.
 Q Did you know Tom Daniels when he was living at Hoeshe Falls, Kansas? A Yes sir.
 Q When was it? A Time of the war.
 Q Were you ever back up there at his house? A No sir.
 Q You know he continued to live there and died there? A Yes sir.
 Q You never saw him after you left there? A Yes sir, they were down here, backwards and forwards.
 Q Did you ever see Tom Daniels keeping house in the Cherokee Nation after the war? A No sir, cause I was living down here.
 Q Don't you know that he did remain there. Do you know where he was living at the time of his death? A I don't know sir.
 Q Do you know where he and Celia were married after the war? A No sir, they were not married after the war.
 Q How you are giving your opinion about that? A No sir, just what I know about it.
 Q If I should give you a Court record of where they were married after the war would you believe it? A I wasn't at the wedding.
 Q Do you know where Celia and Kirkpatrick were married? A No sir, I don't.
 Q Do you know where Celia's children were born? A I know where George was born.
 Q Were you present? A Not right at the time but I seen him as a baby, right after that time.
 Q Then you don't know? A It must have been.

BY MR. BULGER:

- Q About this baby George being born, was George born before or at the time you and Celia came down to the Cherokee Nation? A Yes sir, along about that time, Celia must have been in very poor health. People in them olden times didn't let their children know it.
 Q Where were you when George was born? A At my father's.

WITNESSES EXCUSED.

CARRIE MORGAN, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Carrie Morgan.
 Q Where do you live? A Five miles the other side of Groves.
 Q Are you a Cherokee citizen? A Yes sir.
 Q About how old are you? A I am 49 years old.
 Q Did you remain in the Cherokee nation during the rebellion? A No sir, we were out of the Cherokee nation, went north.
 Q When did you return to the Cherokee nation? A The year peace was made.
 Q Where did you return to? A Rubber Hill.
 Q Did you remain there? A Remained there until that fall then my brother moved down to the Lynch Mill.

- Q Who was your brother? A Willie Rhythe.
- Q Were you married then? A The next fall after we went there I was married to a man by the name of Blivins.
- Q How long did you remain at that place? A Nearly three years.
- Q While you were there did you become acquainted with a woman named Selia Daniels? A Yes sir.
- Q Did you know her husband? A Not to say knew him, I have seen him several times, he was kind of a sickly man, seen him passing around there about the store and the mill. But this woman I haven't seen her to the best of my knowledge it has been about 40 years until this morning, I picked her out of the bunch.
- Q Did you see her after the war? A Yes sir, I didn't know her before the war.
- Q Where did you know her after the war? A Down her at this old mill on Spavinsaw, they come there trading with my brother, these darkies several of them. My brother died there and after he died we went to Cowskin Prairie.
- Q When did you move down there to that mill? A The same fall peace was made.
- Q Did you find this Selia Daniels down there after you got there? A She was there a while after we got there.
- Q The same fall? A The next spring.

BY MR. DAVENPORT:

- Q Was she down there, do you remember seeing her before George Street commenced running the saw mill there? A He was there when we come there.
- Q And he was running the mill wasn't he? A Yes sir.
- Q And you didn't see Selia Kirkpatrick, the woman you identify until after George Street began running that mill there on Spavinsaw?
- A No sir.
- Q When were you summoned in or notified to come as a witness in this case? A I believe it was last Friday.
- Q Who summoned you? A Mr. J. C. Starr.
- Q The same J. C. Starr who was at one time with the Attorneys for the Cherokee nation making the freedman roll? A Yes sir.
- Q He advised you in this matter as an Attorney in this case? A No sir, he never talked with me about it.
- Q Didn't talk to you anything about it? A Just asked me if I knew these darkies and I told him yes I knew them.
- Q And he came with you today to this town? A Yes sir, but I never had any talk with him about it.
- Q He didn't know when he subpoenaed you and brought you down here did he?
- Q This the same George Street you speak of that is living at Big Cabin? A I don't know where he is living now.

WITNESSES EXCUSED.

EDMON LYNCH, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Edmon Lynch.
- Q Where do you live? A Grand River.
- Q What is your post office? A Spavinsaw.
- Q Are you a citizen of the Cherokee nation? A Yes sir, I guess so.
- Q Where were you living directly after the war, did you ever live on Lynch Prairie? A Yes sir, that is what they call where I live now.
- Q When did you move there after the war? A In the winter, the first of the winter.

- Q Are you acquainted with Gelia Kirkpatrick? A Yes sir, known her all her life.
- Q Did you know her father? A Yes sir.
- Q What was his name? A George Landrum.
- Q Did you know her mother? A Yes sir.
- Q What was her name? A Cassie.
- Q Was Gelia married during the war when you knew her? A She married before the war.
- Q Did you know her husband? A Her husband, Tom, yes, my son.
- Q Tom Daniels your son? A Yes sir.
- Q Did you see them at Tom Daniels or Gelia or either one of them in the Cherokee nation after the war? A Yes sir.
- Q When? A At my house come down there frequently, Tom did, and Gelia come down there to her father's. Tom went back on account of his health.
- Q When did they come down to your place first? A In the fall of '66 in the winter.
- Q How long did Tom remain? A Two or three weeks before he went back.
- Q Did he ever return? A Yes sir, come back once more.
- Q Did he have a place in the Cherokee Nation? A Yes sir, he never lived on it, bought it but never lived on it.
- Q What place is that? A Out there where Hale Thompson lives now.
- Q Who did he buy it of? A A Cherokee man.
- Q Who was this Cherokee man? Chewahwee Gutley.
- Q Did he sell that place? A No sir.
- Q What became of it? A They jumped it, didn't do no work on it so long until they just jumped it.
- Q Did Gelia and Tom move back to Kansas? A Never took their things back there that I ever knowed of. If she ever did I don't know she went back there when Tom was sick.
- Q When did she go back? A That was in '67 or '8, I reckon, I don't know the time.
- Q Do you know her children, same them that you know of? A George and I forget what are the names of all of them.
- Q Is George the oldest one? A No sir, I forget which is the oldest.
- Q Do you remember when Tom Daniels died? A Yes sir.
- Q What was the matter with Tom? A Consumption.
- Q Where was Gelia when Tom died? A Up there in Kansas with him.
- Q Did she return to the Cherokee Nation after Tom died? A Yes sir.
- Q How long after? A I don't know how long it was, just can't tell you.
- Q Did she get married after Tom died? A Yes sir.
- Q When did she marry? A Twenty-two or two after he died, I don't know how long.
- Q Was their child born after Tom died? A Yes sir.
- Q Tom's child? A Yes sir.
- Q Where was that child born? A There at the lake.
- BY MR. DAVENPORT:
- Q Now what child was born there at the lake? A I don't know what is the name of them.
- Q That child was born in Kansas of Gelia? A I don't know, there was a heap of them born there and died.
- Q How did they manage that? A That was before that one was born there at the lake.
- Q Don't you know she never kept house a day in the Cherokee nation in her life until after she and Kirkpatrick married after the war? A There with her father there at the lake.
- Q Kept house? A Yes sir.
- Q If you know anything about it at all don't you know that Tom Daniels and she kept house in Hardscrabble all the time from 1866

- up until Tom's death? A Not all the time.
- Q Did Tom ever keep house in the Cherokee Nation? A No sir, lived with me awhile and his father-in-law. Just passing backward and forwards.
- Q What do you mean by backwards? A Going and coming.
- Q Where was he going to and coming from? A Going to Kansas and coming back from Kansas.
- Q Were you ever at Neosho Falls? A Lived there four years time of the war.
- Q Tom was in the war when you were there? A Tom came home in '65.
- Q And lived there from that time up until the date of his death and kept house? A No sir.
- Q Whose house did Tom Daniels ever live in and keep house after the war? A George Daniels.
- Q Where was George Daniels living when he was living in that house? A All living there together.
- Q What year was that? A I don't remember just what year it was but they come down there in the winter of '66.
- Q Now Celia says they come in the spring which one is telling the truth you or her? A I don't know which one is telling the truth.
- Q If she says they come in the spring and you in the winter, which one is telling the truth? A They come in the winter I tell you.
- Q Were you right there all the time? A Yes sir, lived there and made a farm there.
- Q Were you in Neosho Falls, Kansas, when Tom died? A No sir.
- Q Were you there when she and Tom were remarried after the war? A No sir.
- Q Were you up there when she and Kirkpatrick married? A No sir.
- Q Was she living there at that time? A Yes sir.
- Q She had her children there didn't she? A Yes sir.
- Q The children stayed there all the time and made their home there? A I don't know where they stayed.
- Q You knew they didn't stay here? A No sir.
- Q And you knew they were not in the Cherokee Nation? A Of course.
- Q You knew Tom Daniels made that his home up there after the war until the time of his death? A He was backwards and forwards.
- Q When did you come the first time Celia Kirkpatrick came to the Cherokee Nation to live? A They came to Vinita a long time afterwards.
- Q And they came to Vinita since Wallace made his roll? A Yes sir.
- Q They came to Vinita when the Kern-Whifton roll was being made? A Yes sir.
- Q Didn't they come direct from Neosho Falls to Vinita? A Yes sir.
- Q Kirkpatrick and Celia had never kept house in the Cherokee Nation at that time? A No sir.
- Q They never lived with her father, Kirkpatrick and Celia? A No sir.
- Q You don't know anything about them where they did live do you Simon? A Before Tom did I do but afterwards I don't.
- Q You say you never saw them living in Kansas? A No sir, I didn't.
- Q Did you see them when they were living there? A Yes sir, Celia lived right in the house with me from the time Tom went in the war.
- Q After the close of the war you came to the Cherokee Nation? A Yes sir.
- Q Celia and Tom didn't come with you? A No sir.
- Q They were not living in your house when you came from Kansas to the Cherokee Nation? A No sir.
- Q Do you know anything about them living in a house near a mill over from the main part of the town of Neosho Falls? A Yes sir, Tom tended to the mill there.
- Q That is one time you know of them living and keeping house separate to themselves? A They lived with their father.

- Q How long did they live in that condition? A I don't know.
Q What year was it? A I don't know that.
Q Do you know whether you are in Muskogee or Vinita? A Of course, I know.
Q Which one is it? A Muskogee.
Q What direction is Muskogee from here? A No use to ask me that cause I am here and I know where it is.
Q What year did they make the Kern-Clifton roll? A I don't know that.

BY MR. BULGER:

- Q How long after you had moved over there on Lynch's Prairie did Tom and Celia come down there? A I don't know just how long it was in the fall they come there.
Q In the fall of the year? A Yes sir.
Q Do you know what year it was? A '66.

BY MR. DAVENPORT:

- Q What time did you come to Lynch's Prairie? A In the fall of '66.
Q When did they come then? A They come that fall.
Q They were not down there when Martha died were they? A Martha died just before Christmas.
Q They were not there then hadn't come down yet? A Come and gone back.
Q Come and gone back? A Yes sir, they had.
Q You hadn't been there but about six weeks then? A I was down there along time.
Q Didn't you say just now you went to Lynch Prairie in the fall of 1866? A Yes sir, I did.
Q And didn't you say that Martha died just before Christmas and they had come and gone back? A Yes sir.
Q How long did they stay? A A week or two.
Q Didn't you testify awhile ago they stayed about six months?
A No sir.
Q Where did they go when they left? A To Kansas.
Q How do you know? A There is where they said they were going.
Q Now Celia said they came down and stayed seven months, which one is telling the truth? A They never stayed seven months.
Q Has not she the better right to know? A I don't know whether she has or not, they didn't stay seven months.

BY MR. BULGER:

- Q Didn't Celia come back to the Cherokee Nation after she went to Kansas that time? A Yes sir.
Q Did you ever see her any more? A Yes sir.

W I T N E S S E X C U S E D.

TOBE E HAN, being first duly sworn, testified as follows:

BY MR. BULGER:

- Q What is your name? A Tobe Han.
Q You were in the No Run Creek fight were you? A Yes sir.
Q Did you remain in the Cherokee Nation after that time? A Yes sir went back to Kansas.
Q When did you return to the Cherokee Nation? A Nearly in the winter.
Q Did you ever know Celia Daniels and her husband Tom Daniels in the Cherokee Nation? A Yes sir, I know Tom.
Q When? A About close to Christmas I think in '66, passing through

- Q Where was Celia then, do you know? A No sir, I don't know where she was.
- Q You didn't see Celia at all at that time? A Not at that time, saw her about, it must have been in the spring of '70 when I saw her, they said she was there but I never seen her.
- Q Said she was there in 1866? A Yes sir, but I never seen her.
- Q Where were you living then? A At the Island Ford.
- Q Did you know George Landrum? A Yes sir.
- Q But you didn't know Celia? A Knewed her but didn't see her at that time.
- Q Do you know where she was? A Said she was at her father's.

BY MR. DAVENPORT:

- Q How far did George live from you? A About two or three miles.
- Q At that time there was very few people and you visited a good deal? A No sir, didn't visit much.
- Q At that time you said Tom was passing through, do you know whether he ever got through or not? A Said he was going to his father's.
- Q You never did see him any more in the Nation did you? A Yes sir, saw him several times.

W I T N E S S E X C U S E D.

ONLORA FOREMAN, being first duly sworn, testified as follows:

BY MR. HULGER:

- Q What is your name? A Onlora Foreman.
- Q Where do you live? A Vinita.
- Q How old are you? A About 50.
- Q Are you acquainted with Celia Kirkpatrick? A Yes sir.
- Q Is she a relative of yours? A Sister.
- Q Do you know where she was during the war of the rebellion?
- A When the war was going on,
- Q Yes? A In Kansas.
- Q Did she ever come back to the Cherokee Nation? A Yes sir.
- Q Did you ever see her in the Cherokee Nation after that? A Yes sir.
- Q When did you first see her in the Cherokee Nation after the war?
- A The first time I seen her in the Cherokee Nation was along about '66 I guess when the folks come home from the south, our owners.
- Q Who were your owners? A My owner was Dave Landrum and here was Ben Landrum.
- Q Where did you see her? A At Fort Gibson, she come down there on a visit to see us, we lived at Fort Gibson and she come from down the river to see us at Fort Gibson.
- Q When did you see her next? A The next time I saw her up on the river at my father's. We all went up on a visit one Christmas I saw her at my father's, George Landrum.
- Q What Christmas was that? A I don't know what year it was, it was on Christmas. It was after she had come down on a visit.
- Q Did you know her husband? A Yes sir.
- Q What was his name? A Tom Daniels.
- Q Did you know him after the war? A Yes sir.
- Q Do you know her children, what their names are? A No sir, I don't know their names, some of them I do some I don't.
- Q What is the oldest one, if you know, that is living? A George is the oldest.
- Q Where was George born if you know? A No sir, I couldn't swear where George was born, only one I could swear to was Ethel, the youngest one.
- Q Where was she born? A On Grand River.

- Q When was she born? A It was before the Wallace payment.
Q Where was Tom Daniels then? A He was dead then.

BY MR. DAVENPORT:

- Q When is the first time that you ever knew of Gelia being keeping house in the Cherokee Nation after the war, living in a house separate and apart from any other family? A I don't know anything about that, I lived at Fort Gibson.
Q Were you living at Vinita at the time when Gelia did keep house, when did she and Kirkpatrick come to Vinita, after you and I both moved up there? A That was in '86 wasn't it.
Q That is the first time that Gelia Kirkpatrick or Daniels had ever kept house in the Cherokee Nation in a house she presided over herself after the war wasn't it? A No sir, she had a place on the river she said.
Q I want to know what you actually know about it of your own knowledge, did you ever know of her from the time the war closed up to the time she came to Vinita in 1896 living in a house and keeping house to herself? A No sir.
Q As far as her living on the river you don't know? A No sir.
Q She and Kirkpatrick were married in Kansas? A Yes sir.
Q And Tom Daniels died in Kansas? A Yes sir.
Q Did you go to Kansas during the war? A Yes sir, but I came home first year after peace was declared.
Q When Gelia came to visit you at Fort Gibson what time of the year was it? A In the fall.
Q What time of the fall, early fall? A Early fall along about September.
Q You don't know where she came from, nothing only that she came from the river? A No sir.
Q You don't know what year that was? A It was in '86.
Q Gelia says she didn't come back from Kansas in 1866 until late in the fall just before Christmas, so it must have been in 1867 she came down to visit you? A I don't know exactly, all those folks coming home there and they said it was '66.
Q Some got back in 1866 and some in '67? A I don't know just exactly-----
Q And Gelia and Kirkpatrick got back to Vinita in 1896? A Yes sir.
Q Do you know where Tom Daniels lived there in Neosho Falls? A No sir.
Q And you left before Tom came back from the war? A Yes sir.
Q You don't know anything about them keeping house over there by the mill when Gelia and Tom were remarried after the war? A No sir.
Q You never saw him keeping house in the Cherokee Nation after the war? A Not particular.
Q Where did you ever see Tom in the Cherokee Nation? A Vinita and Grand River.
Q Did you live at Vinita during the Wallace enrollment? A Yes sir.
Q Vinita was quite a small place and you knew all the colored people, and Tom just run down there from Kansas and went back to Kansas? A Yes sir.
Q And he told you at the time he was living at Neosho Falls, Kansas? A No sir, told me he had a place on the river and was working at the mill in Neosho Falls.

ON BEHALF OF THE COMMISSIONER:

- Q In what year did you return to the Cherokee Nation? A I don't know, in '88 I guess.
Q Do you know how long it was after you returned that Gelia returned? A No sir only just as I say she came down on a visit.
Q You were a girl then 10 or 12 years old? A Yes sir.

WITNESSES SUBSCRIBED.

ELIZA TUCKER, being first duly sworn, testified as follows:

BY MR. EHLER:

- Q What is your name? A Eliza Tucker.
- Q Are you acquainted with Gella Kirkpatrick? A Yes sir.
- Q How long have you been acquainted with her? A Ever since before the war, in slave time.
- Q Where was the first place you saw her after the war? A Fort Gibson.
- Q When was that? A About two years or a year or little over after the Treaty was made, I was down to Fort Gibson.
- Q Tell the circumstances of your seeing her if any? A She was there with her sister.
- Q Who was her sister? A Chlera Foreman.
- Q How long did she stay there? A I never seen her any more after we moved from there until '67, she came up to her father's. She was there a year before she left and I don't know where she went then.
- Q When did you leave Fort Gibson? A In the fall of '67.
- Q Who do you mean by we? A My mother Winnie Ratliff.
- Q Were their any men along? A My brother and Jim Landrum.
- Q Who was your brother? A Arch Landrum.

BY MR. DAVENPORT:

- Q You say you saw her at Fort Gibson about a year after the Treaty was made? A Pretty near a year.

W I T N E S S E X C U S E D.

G. W. FENDER, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. DAVENPORT:

- Q What is your name? A G. W. Fender.
- Q What is your post office? A Neosho Falls, Kansas.
- Q How long has your post office been Neosho Falls, Kansas? A I have lived there since the 21st of August, 1867.
- Q Were you in the war of the rebellion? A Yes sir.
- Q How long were you absent during that time? A I enlisted the 7th of August, 1863 and was mustered out along in June, 1865.
- Q You were in the Union Army were you? A Yes sir.
- Q How you came home after the war about what time of the year? A Between Christmas and New Years.
- Q In 1865? A Christmas 1865 and New Years 1866.
- Q Did you have a family at that time? A No sir.
- Q Did you take up your residence in Neosho Falls, Kansas? A I went home where my father and mother lived.
- Q Was that in the town of Neosho Falls? A Two and a half miles south of the city.
- Q Did you marry after that time? A Yes sir.
- Q I will ask you, if you, after you returned from the war, got acquainted with a colored man named Sam Daniels? A Yes sir.
- Q About how long was it after you returned from the war? A It was either the last of March or first of April.
- Q What year? A 1866.
- Q Where was he living? A In a little log cabin in what is now the City Park.
- Q Neosho River? A Yes sir, the city wasn't incorporated but it would have been just outside the incorporation.

- Q What was he doing there at that time? A Just jehing around, I went to work at the mill and he went to work there as an odd hand.
- Q How far did you live from where he lived? A Anywhere from 75 to 100 yards.
- Q You went to work there about what time in the year of 1866?
- A The last of March or first of April.
- Q Did you know Tom's family, or know whether he had a family? A I seen them there every day.
- Q Did you ever hear of Tom's wife's name? A Yes sir.
- Q What was it? A It seems to me it was Delia.
- Q How long after you got acquainted with him did Tom continue to live at Neesho Falls? A He died there.
- Q Do you know how many years that was? A I have nothing to trust a date on but it seems to me he died sometime between 1886 and 1889 or 1888 right along there.
- Q Not positive as to that? A No sir.
- Q Can you tell about how long he lived in this house with his family near the mill you have spoken of? A I think he lived there until 1870, I have reasons to believe that was the date.
- Q Do you know anything about his children? A I just seen one or two little children around the house, of course I wasn't acquainted with them.
- Q I understand it was about 75 miz or 100 yards from the mill?
- A Yes sir.
- Q Did you ever know a colored man named Kirkpatrick in and around Neesho Falls? A Knew him but not very well, had a few talks with him.
- Q Do you know whether or not he afterwards married any of Tom Daniels family? A That was the report, I didn't see them married.
- Q Which one did he marry? A Tom Daniels' widow.
- Q You still live at Neesho Falls, Kansas? A Yes sir.

BY MR. EULGER:

- Q How old are you? A I am past 60.
- Q When or with whom did you first talk with recently about this case? A I don't know, it seems to me I overheard parties who were talking when they had another case and they spoke of this case in connection with it, that has been sometime ago, and then here not long ago I heard some folks talking that was down here as witnesses and I overheard them talking among themselves about it.
- Q Do you mean to say that Tom Daniels lived in Neesho Falls continuously from March, 1866, until he died? A No sir, he was living outside of the town.
- Q I mean right close to the town? A Yes.
- Q He never lived there in the town? A It is now inside the incorporation.
- Q Did he ever leave that place that you know of? A Not up until 1870.
- Q Do you know that he did leave it? A If he left I don't know it.
- Q You don't know then, if he came to the Cherokee Nation you don't know it? A He couldn't very well come and we not know it, being with him daily, because when he wasn't working at the mill he was around there, don't think there was a day I hadn't seen him, when they wanted an extra hand he jumped in it.
- Q How did you happen to come down here as a witness? A I was subpoenaed sir.
- Q Who subpoenaed you? A This gentleman here (indicating Mr. Koyal).
- Q When were you subpoenaed? A I don't know, the first of the week, I think it was day before yesterday, he it was Monday.

- Q How did Mr. Keys come to subpoena you, had he talked to you about this case? A No sir, you will have to ask him, I don't know somebody else must have told him that I knew somebody that knew I knew something about it. I didn't know anything about it until the hotel man phoned up to my home and said there was a man there wanted to see me and I went down there and he subpoenaed me.
- Q Talked to you about this case? A Yes sir.
- Q How much are you to get to come down here in this case? A I suppose I will get the common fee so much a day for my attendance, I haven't asked them.
- Q They haven't told you how many days you will get? A I told them myself that I had to travel at night they ought to allow me about four days, but they didn't agree to do it.
- Q Do you know that Tom Daniels didn't leave Teeshe Falls and come to the Cherokee Nation in the fall of 1866? A No sir, I don't hardly think he did because the fall I was working there by him.
- Q I say do you know he did? A I won't say positively if he did, I didn't miss him or ever hear of it.
- Q Do you know where his wife was in 1866? A In that little cabin there right close to the mill.
- Q When did you first remember about this witness named Della? A I heard it quite often.
- Q Do you know where Della was in the fall of 1866? A She must have surely lived there in that cabin. Don't know hardly a day but what I seen them. Never was in the cabin only just a short time before he died. I could see them passing around every day, hardly a day but that I saw him and his family.
- Q How is it that you remember that you first became acquainted with Tom Daniels in March, 1866? A That was the day I went to work at the mill and he was there.
- Q That was in March, 1866? A It was probably in April, directly after I went to work at the mill.
- Q But you don't mean to say that you know that Tom and Della didn't come to the Cherokee Nation in 1866? A He was working right along there at the mill and if he was absent I don't know.
- Q Will you say that you know it? A I won't say that I knew it but I am positive he wasn't.
- Q You know he worked at the mill in 1866? A Not as a steady hand.
- Q And you know he worked there for a long time that summer off and on? A Yes sir.
- Q Then you knew that after awhile he began to work there, work there steady and got sick and couldn't work longer? A Yes sir.
- Q And you don't mean to say that Tom Daniels worked at that mill continuously during the fall of 1866? A No sir, not all the time he wasn't a steady hand, only when they wanted an extra hand.
- Q What was the condition of Tom's health? A Tom had good health then.
- Q You knew nothing about him having bad health? A He worked regular around the water mill first in the water and then out, I worked right with him.
- Q Although you said he was working extra? A This was afterwards, but that fall he was working there then when somebody was gone or sick, and afterwards he got in as an extra hand.
- Q What is it that impresses it upon your mind that Tom Daniels worked there continuously in the fall of 1866? A I didn't say that he worked continuously.
- Q What impresses it upon your mind? A I was working there.
- Q What were you doing? A I was running the engine and he worked in the mill.
- Q There were other darkies working in that mill? A Not at that time, I think there had been one but when Tom came the other one dropped out, that is my recollection about it.

- Q But you don't think anything about Tom's case, you know that?
A I know he worked there right along whenever they needed a new hand. I don't think they ever wanted a hand and wat after him but what they got him.
Q You mean to say that you never talked with anybody about this case before you came here to testify? A I didn't know this case was in court until just a few days ago.
Q The other fellows told you about the case? A Yes sir, coming to a strange town I wanted to get some place to stay over night and I talked with them about it.
Q Did they tell you about what you are testifying now? A No sir.
Q Is there any one else up there besides you that knew it? A Yes sir, I know of one or two others. I could give them their names.
Q They are not dead then, those witnesses? A No sir, I think there is a man living at Springfield, Missouri, that would swear the same as I do because he was working there at the same time.
Q You see Mr. Fender the only question in this case is, did this Gelia Kirkpatrick come down from there in the fall of 1906, and you don't mean to say that you know she did or didn't? A I am almost sure she didn't although I would not swear it positively.
- ON BEHALF OF THE COMMISSIONER:
Q Do you know George Daniels, a son of Tom Daniels? A I have seen him.
Q Do you know where he was born? A He must have been born when they lived in that little cabin there.
Q At Moosho Falls? A Yes sir.
Q Have you ever seen him up there, George Daniels? A I have seen him up there at an early date.
Q Did he go to school up there? A I think he did.

WITNESS EXCUSED.

ON BEHALF OF THE COMMISSIONER:

This case will be closed and a decision rendered upon the evidence heretofore introduced.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 9th day of December, 1906.

Edward L. Lefevre
Notary Public.

COPY.

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DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Celia Kirkpatrick et al., as Cherokee Freedmen, consolidating the
applications of:

Celia Kirkpatrick, et al.,	Cherokee Freedmen 1436 (D 673)
Eva L. Finley, et al.,	Cherokee Freedmen 1437 (D 675)
George Daniels,	Cherokee Freedmen 1438 (D 1123)

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Celia Kirkpatrick for herself and minor child, Ethel Daniels,; by Tyre H. Finley for his wife, Eva L. Finley, and their minor children, Haydee and Frank Finley, and by W. H. Twine for George Daniels.

The record further shows that on July 23, 1904, the Commission to the Five Civilized Tribes rendered its decision herein granting said applicants the right to enrollment as Cherokee freedmen, which decision was, on January 19, 1905, duly approved by the Department (I.T.D. 7744 & 7514-1904), that thereafter, on October 12, 1905, a motion for rehearing having been filed by the attorneys for the Cherokee Nation, the Department rescinded its said decision of January 19, 1905, and remanded said case for further hearing and readjudication (I.T.D. 2160-1905). Further proceedings in the matter of said applications were had at Muskogee, Indian Territory, on November 16, and December 7, 1905.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant Celia Kirkpatrick, claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the provisions of Article IX of the treaty of 1866, and that all the other applicants herein claim such right as her descendants.

The evidence further shows that Celia Kirkpatrick was the slave of a Cherokee citizen at the commencement of the war of the rebellion, that prior to the commencement of said war she was married, in the Cherokee Nation, to one Tom Daniels, who was also the slave of a Cherokee citizen; that during the progress of the rebellion she went with her husband to Neesho Falls,

Kansas, where they remained until the close of said rebellion; that shortly after the close of the rebellion they returned to the Cherokee Nation, where they resided for a short time with their parents; and in 1867 or '68 returned to Neosho Falls, Kansas, where they continued to reside until the death of the said Tom Daniels in 1889; that after the death of the said Tom Daniels in 1889, the said Celia Daniels married, in the state of Kansas, one Jerry Kirkpatrick; and the evidence fails to show that the said Celia Kirkpatrick ever had a permanent residence in the Cherokee Nation subsequent to the close of the rebellion and prior to about the year 1896.

The evidence further shows that all the other applicants herein are lineal descendants (children and grandchildren), of the said Celia Kirkpatrick, were born since the close of the rebellion, and neither claim nor possess any rights to enrollment as Cherokee freedmen other than as such descendants. Excepting the Kern-Clifton roll, the applicants Celia Kirkpatrick, Ethel Daniels, Eva L. Finley, and George Daniels, can not be identified on any roll of the Cherokee Nation in the possession of this office. The minor applicants, Hayde and Frank Finley, are too young to appear on any roll of the Cherokee Nation, but are duly identified as children of Eva L. Finley by birth affidavits filed herewith and made a part of the record herein.

In view of the foregoing it is considered that, following the ruling of the Department in the cases of Henry C. Hayden et al. (I.T.D. 6964-1902), Mariah Johnson et al. (I.T.D. 68769-1903), and Thomas Mayfield (P.T.D. 6968-1904), the temporary presence of the said Celia Kirkpatrick in the Cherokee Nation immediately after the close of the war of the rebellion was not sufficient to satisfy the provisions of Article IX of the Treaty of 1866 relative to the return of freedmen to the Cherokee Nation, and it is further considered that the said applicant Celia Kirkpatrick, granting that she did comply with the provisions of Article IX of said treaty of 1866, has, by her continued residence in the state of Kansas, as above indicated, forfeited, under Section 2, Article I, of the Cherokee Constitution, whatever rights she may have acquired to Cherokee Freedman citizenship.

Said Section 2, Article I, of the Cherokee Constitution in part, provides:

"Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease;....."

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the applicants herein possess no rights to enrollment as Cherokee freedmen.

IT IS, THEREFORE, ORDERED AND ADJUDGED That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1896 (50 Stat., 495), Celia Kirkpatrick, Ethel Daniels, Eva L. Finley, Haydee Finley, Frank Finley and George Daniels, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby

Commissioner.

Dated at Muskogee, Indian Territory,

this Jan 16 1906.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM O BEALL,
Secretary

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

USED IN REPLY TO THE FOLLOWING
Cherokee Freedmen

D-673, et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 23, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, in the consolidated case of Celia Kirkpatrick, et al., granting the applications for the enrollment of Celia Kirkpatrick, Ethel Daniels, Eva L. Finley, Haydee Finley, Frank Finley and George Daniels as Cherokee freedmen.

You will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge.

Encl. 8-83.

COMMISSIONERS:

TAMS HIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

WM. O. BRALLY
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Chm R

NOTE IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-673, et al.

Muskogee, Indian Territory, January 30, 1905.

Bell, Hastings & Davenport,

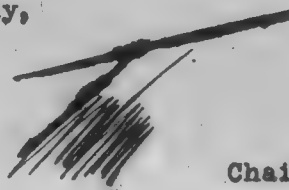
Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, granting the applications for the enrollment of Celia Kirkpatrick, Ethel and George Daniels, Eva L., Haydee and Frank Finley as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 19, 1905.

Respectfully,



Chairman.

COMMISSIONERS:
TAMM HENRY,
THOMAS E. NEEDLES,
C. E. BRANCHBRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

566

REPORT IN REPLY TO THE FOLLOWING:
Cherokee Freedmen-
D-673.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 20, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of February 17, 1905 inclosing, for transmission to the Secretary of the Interior, motion for a rehearing in the matter of the application for the enrollment of Celia Kirkpatrick et al. as Cherokee Freedmen.

You are advised that said motion has this day been transmitted to the Department.

Respectfully,



Chairman.

CHEROKEE FREEDMEN
1436, et al.,
(D-678, et al.)

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 4, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In connection with the Cherokee freedmen enrollment cases of Celia Kirkpatrick, et al., you are hereby advised that this office is in receipt of Departmental letter of October 12, 1906, in which your motion filed with the Department to have said cases reopened, is granted and the records returned to this office and a rehearing ordered.

You are, therefore, hereby notified that you will be permitted to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, November 16, 1906, and introduce testimony in said cases. For your information, there is inclosed herewith a copy of Departmental letter referred to.

Filed with your motion to have said cases reopened are affidavits signed by C. W. Learned, E. B. Moore and J. A. Lynn, of Neosho Falls, Kansas, and you are desired to have them present on the above date in order that their testimony may be taken in these cases.

Respectfully,

Incl. B-91

Commissioner.

REPLY IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
1436, et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 15, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 15, 1906, rejecting the applications of Celia Kirkpatrick, et al., for enrollment as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. 8-37


Commissioner.

LAND
5437-1906

(COPY)
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON,

Copy

February 18, 1906

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated January 15, 1906, transmitting the record of the consolidated application for enrollment as Cherokee Freedmen by Celia Kirkpatrick for herself and her minor child, Ethel Daniels; by Tyre H. Finley for his wife, Eva L. Finley, and their minor children, Maydee, and Frank Finley; and by W. H. Twine for George Daniels.

January 15, 1906, the Commissioner decided adversely to all the applicants.

The record shows that on July 23, 1904, the Commission to the Five Civilized Tribes rendered a decision favorable to the applicants which decision was on January 16, 1905, approved by the department (ITS 7744-7514-04); that thereafter on October 12, 1905, (I.T.D. 2160-05), the Department rescinded its action, and remanded the case for further hearing and readjudication.

The record further shows that Celia Kirkpatrick was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that prior to that time she was married in the

Cherokee Nation to one Tom Daniels, also a slave of a Cherokee citizen; that during the war she went with her husband to Kansas where they remained until the close of the war; that shortly thereafter they returned to the Cherokee Nation and resided for a short time with their parents; that in 1867 or 1868 they returned to Kansas, where they continued to reside until the death of Tom Daniels in 1887; that after the death of Tom Daniels, Celia Daniels married in the State of Kansas one Jerry Kirkpatrick and the evidence fails to show that Celia Kirkpatrick ever had a permanent residence in the Cherokee Nation subsequent to the close of the war and prior to about the year 1896.

All the other applicants are lineal descendants of Celia Kirkpatrick, were born since the close of the war, and neither claim nor possess any rights to enrollment as Cherokee Freedmen other than as such descendants. Except the Kern-Clifton roll none of the applicants is identified on any Cherokee roll.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larabee

Acting Commissioner

HMM

DEPARTMENT OF THE INTERIOR,

Y.P.
LLE

D.C. 7543-1906
I.T.D. 2634-1906

WASHINGTON

L R S

February 20, 1906

Commissioner to the Five Civilized Tribes,
Muskogee Indian Territory.

Sir:

January 15, 1906, you transmitted the record in the matter of the consolidated application for enrollment as Cherokee freedmen of Celia Kirkpatrick, Ethel Daniels, Eva L., Haydee and Frank Finley, and George Daniels.

Reporting February 13, 1906, the Indian Office recommended that your decision, adverse to all the applicants, be approved. A copy of its letter is inclosed.

The department concurs in said recommendation, and your decision dated January 15, 1905, is hereby affirmed.

Respectfully,

(Signed)

EDOS REAN
First Assistant Secretary

1 inclosure

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
1436, et al.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 18, 1906, rejecting the applications for the enrollment of Celia Kirkpatrick, Ethel Daniels, Eva L., Haydee and Frank Finley, and George Daniels as Cherokee freedmen, was affirmed by the Secretary of the Interior on February 20, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. 8-77

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
17190-1906.
99841-1906.

December 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of February 20, 1906, (I.T.B.2634-1906), affirming the decision of the Commissioner to the Five Civilized Tribes, rejecting the application of Gelia Kirkpatrick et al., for enrollment as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 10, 1906, enclosing a motion for a rehearing filed by Starr & Patten, of Vinita, Indian Territory, attorneys for applicants, in the office of the Commissioner on June 25, 1906. There is also enclosed copy of the letter of Starr & Patten, dated November 5, 1906, saying that they have made an investigation of the case and are unable to get any testimony that would in any manner change the condition of the case, and requesting that the motion filed by them be dismissed. The office therefore concurs in the Commissioner's recommendation that the motion filed be denied.

The record in the case is transmitted herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

FWE-RE

COPY

Y.P.

D.C.619-1907.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

PM.

I.T.D.24814-1906.

L.R.S.

December 27, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Cherokee freedman consolidated case of *Malta Kirkpatrick, et al.*, received with your letter of November 10, 1906, and Indian Office letter of December 5, 1906 (Land 99841), is denied in accordance with your recommendation and that of the Indian Office, and in accordance with the request of the attorneys who filed it, and because the Department finds no merit in it.

A copy of the Indian Office letter is inclosed. The other papers in the matter have been returned to that office.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 Inc. and 4 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.
R 616 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.



Muskogee, Indian Territory, January 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

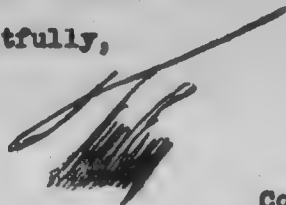
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing in the Cherokee freedmen enrollment case of Celia Kirkpatrick, et al., was denied by the Secretary of the Interior, December 27, 1906.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,



Commissioner.

Encl. H-20
JMH

Dr. C. R. Miffitt -

Knew Edwin Kirkpatrick
or Kirkpatrick in Kansas & all family
from 1878 or 1879 to 1886 or 7. In
Meriden Falls, Kan. Knew John
Kirkpatrick then & knew the
sister of him

B. 1673-
D. 1664-

Cher Fr D 674

Cher Fr D 674

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsee, I.T., June 11, 1901.

In the matter of the application of William Henry Robinson for the enrollment of himself and seven children as Cherokee Freedmen, and for the enrollment of his wife, as an intermarried Cherokee Freedman, being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mollette & Smith, for the applicants;
Mr. Davenport, for the Cherokee Nation.

- Q What is your name? A William Henry Robinson.
Q How old are you? A I am about 48, or 9 years old, I don't know my age exactly.
Q What is your post-office? A Nowata.
Q What district do you live in? A Cooweescoowas.
Q You apply for enrollment as a Cherokee Freedman? A Free colored person living here at the commencement of the Rebellion.
Q Do you wish to enroll besides yourself? A Self and seven children.
Q Give me the names of your children? A Josie Ann.
Q How old is she? A 26.
Q She will have to enroll for herself, I want the children under 21? A Yes, Aurelius.
Q How old is he? A 18.
Q Next? A Jennetta.
Q How old is Jennetta? A 16.
Q Next? A Charles S.
Q How old is he? A 14.
Q Next? A Amanda Elizabeth, 12.
Q Next? A John Savannah.
Q How old is he? A 10.
Q Next one? A Ollie.
Q How old is Ollie? A 8 years old.
Q Next one? A Next is three years old, his name is William Dewey.
Q That all? A Yes sir, that's all under age.
Q Are you married? A Yes sir.
Q Is your wife a citizen? A Claimant.
Q What is your wife's name? A Millie Robinson, nee Hill.
Q You don't apply for her, you say, has she been listed for enrollment? A No sir, she has not been listed yet, I can enroll her of course, she is married, ~~but she has not been married~~ been married twenty-eight years.
Q Mr. Smith: Better apply for her.
Q Com'r: Applies for himself and wife Millie.
Q Are these children all living? A Yes sir.
Q They were all born in the Cherokee Nation? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Two, I am satisfied.
Q What rolls? A Wallace and Clifton.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicants not found thereon.
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 121 #3013 William Robinson, Cooweescoowas District.
Kern-Clifton roll examined for applicant's wife and not found.
page 121 #3016 Jim Robinson, Cooweescoowas District;
page 121 #3017 Jennetta Robinson, Cooweescoowas District;
page 121 #3018 Charles Robinson, Cooweescoowas District;

William Henry Robinson et al 2

page 121 #3019 Amanda Robinson, Coowasecoowee District;
page 121 #3020 John Robinson, Coowasecoowee District.
page 121 #3021 Olive Robinson, Coowasecoowee District.

Q Is her name Ollie or Olive? A Ollie.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified the same as follows:

page 154 #3209 W. H. Robinson, Coowasecoowee District.
Wallace roll examined for applicant's wife Millie, and not identified thereon.

Q Did you draw Strip money for your wife? A No sir.

Examined by Attorney Smith:

Q Where were you living when the war commenced, the Civil War?

A Best of my recollection I was living in Delaware District, on the place they call Beatty's Prairie, in the Cherokee Nation.

Q Who was your father? A Munford Robinson.

Q Who was your mother? A Annie Robinson.

Q You were a free colored person? A Yes sir.

Q You were here at the time the war commenced? A Yes sir.

Q Did you go out? A Yes sir.

Q Where did you go? A To Ft. Scott, Kansas.

Q When did you return first to the Cherokee Nation? A In May, '86.

Q Where have you been living since that time? A In the Indian Territory.

Q What nation? A Cherokee Nation.

Q Have you any children now older than James A.? A Yes sir.

Q Name them? A Josie Ann and Eva Ellen.

Q Is Josie Ann married? A Yes sir, her name is Josie Ann Slaughter.

Q Where does she live? A At Dewey, Coowasecoowee District, Cherokee Nation.

Q What is your other daughter's full name? A Eva Ellen Anderson.

Q Tell her husband's first name? A Arthur.

Q What is Slaughter's first name? A Charlie.

Q Have they any children, either one of them? A Slaughter has a step-child.

Q But your daughter I speak of? A Yes, one.

Q What is that child's name? A Smith. Married a second time; her first husband was Smith, second husband was Slaughter, that's the one she lives with now.

Q What is the christian name of the child? A Sadie.

Examined by Cherokee Representative, Davenport:

Q Now Robinson, you were living at what point in the Cherokee Nation when the war broke out? A I was living on the place they call Beatty's Prairie, near the neutral land in the strip, I think it is in Delaware District.

Q Were you living near where you were living at that time? A Old man name McGee was the only one.

Q Was that Jeff? A I don't know.

Q Was Joe Ward living there? A I don't know anything about that.

Q There was Jim Yeager's family? A I don't know.

Q How old were you when the war broke out? A Between seven and eight years old.

Q How old is your eldest child now? A 26.

Q You went out of the Nation during the war and to what point did you go? A Fort Scott.

Q How long did you stay at Ft. Scott? A During the war.

Q That's where you got acquainted with William T. Foreman? A

William Henry Robinson et al 3

First of my recollection; of course I had seen him before, but I didn't get acquainted with him.

Q You came back to the Cherokee Nation when? A In '66, May.

Q You came back before or after the Treaty was made? A After.

Q Did you come back in May? A May.

Q When you came back to what point in the Cherokee Nation did you come? A Big Cabin Creek, not very far from Lee Schrimmer's old place.

Q Who was living on the Lee Schrimmer place at that time, if any one? A Mr. Foreman, I believe.

Q Where was Newt Schrimmer when you came back? A My recollection is he lived over east somewhere, I don't know where.

Q Where was Reuben Sanders, and Solon James? A I don't know, A thing about Solon James, but I remember Reuben Sanders and then, they lived on Big Creek. I don't know whether they came there after, or I think it was just about the time I moved in here.

Q William Foreman, did he live in Cooweescoowee or Delaware District at that time? A He lived in Cooweescoowee.

Q He is the same William Foreman that you and your brothers and sisters gave the twenty-five dollars to to swear for you in the Kern-Clifton enrollment ~~didn't~~ isn't he? A Same is n.

By Mr. Smith:

Q What did you give him \$125 dollars to swear for you for? A That's his price, he charged that, and more than that he was to follow the court in case or rebuttal he was to see that we wasn't injured, and he had to travel backwards and forwards between on the railroad and pay his expenses, consequently we just volunteered to give him that amount.

Q Who is William Foreman? A A Cherokee Man.

Q Was he acquainted with the facts in your case? A Yes sir.

Q Did you hire him to swear to anything that wasn't the facts? A No sir.

By Mr. Davenport:

Q You just simply hired him to represent, be your brains? A No sir.

Q Was that Mr. Blythe living there near you before the war? A No sir.

By Com'r Needles:

Q This man Foreman, he was also acting kind of attorney was he? A Might determine it that way, children you know, our parents deceased.

Q Was anybody else included in that \$125 dollar fee besides your family? A No sir.

By Mr. Smith:

Q Was Foreman an older man than you? A Yes sir indeed.

Q You say he was acquainted with the facts in your case? A Yes sir.

Q Did he demand that much from you? A He thought it ought to be worth just about that much.

Q He knew the facts in your case, were there any witnesses who did know the facts? A There was two others we had that was acquainted with them.

Q That matter of paying Foreman wasn't before this Commission? A No sir.

Q That was at another time, when the Clifton roll was made? A Yes sir.

LEWIS WHITE JR, being sworn by Com'r Needles, testified:

By Mr. Smith:

- Q State your name? A Lewis Whitnire.
Q Where do you live? A On Lightning Creek.
Q What is your post-office? A Hayden.
Q What is your age? A 62 years old.
Q You know this applicant, William H. Robinson? A Yes sir.
Q How long have you known him? A I don't know exactly, I guess it has been about 38 or 9 years.
Q Did you know him before the war? A No sir, I knew him in time of the war.
Q Where was he in time of the war? A He was at Ft. Scott.
Q When did you first see him in the Cherokee Nation after the war? A First place I saw him was out here about a mile and a half south-west of Timbered Hill.
Q How far from Chelsea is Timbered Hill? A I don't know how far it is from here, the place I saw him is about eight miles north-west of Vinita.
Q When did you see him first? A It was the winter of '66, I don't know exactly what time; it was winter, I don't know whether it was December or January.
Q You remember how long it was from Christmas? A No sir, I don't remember how long it was until Christmas.

By MR. DAVENPORT:

- Q You remember whether it was before or after Christmas? A I don't remember whether it was before or after Christmas.
Q You came back to the Territory in the summer of '66? A Yes sir.
Q I came back here in the summer of '66.
Q And it was some time in the following winter you saw him? A Yes sir.
Q You don't know what time? A No sir.
Q Nor what month of the year? A No sir, I don't.

By MR. SMITH:

- Q Under what circumstances did you see him? A He was living with his father and mother in a old Government tent; camped right down in the bottom on the bank of Big Cabin Creek; I was horse hunting at that time.

HARRY STILL, being sworn by Com'r Needles, testified as follows

By MR. SMITH:

- Q State your name? A Harry Still.
Q Where do you live? A Hayden.
Q You know this applicant, William H. Robinson? A Yes sir.
Q How long have you known him? A Since '42.
Q Where was he in '62? A First time I saw him was on the neutral land when we started to Kansas, we all went out together.
Q What do you call the neutral land, what is it now? A It is now known as southwestern Kansas.
Q Who was he with when you saw him first? A His mother and father, and his brothers and sisters.
Q What was his father's name? A Old man Robinson I always called him.
Q You remember his mother's given name? A No sir, I don't remember her given name.
Q When did you first see him in the Cherokee Nation after the war? A In the winter of '66, over here on Cabin Creek, first time, not far from the Newt Schriener place.
Q About what time was that? A It was along in the winter of '66 when I saw him there.
Q How many trips did you make back to the Cherokee nation? A Three.
Q When did you come back here the third time? A In the fall of '66.
Q About what month? A Sometime in October I think.

Q About how long after that was it before you saw this man William H. Robinson? A Maybe I am mistaken, I went back after Aunt Nancy when she died up there at Timbered Hill and I found William and his folks up there then; it was getting kinder late in the year; near the old Schrimsher place.

Q And when was it you think? A Sometime in the winter or fall of '66, I'm on the last part of '66.

Q Was it before or after Christmas? A Before.

Q Before Christmas of '66? A Yes sir.

Q Do you know where he has been living since that? A Yes sir.

Q Where? A Next time I saw him he was clearing a place after that about three miles from there, and then along in the summer of '66 me and him and his brothers worked together up here on Snow Creek, I have been knowing him ever since; we worked there awhile, and he went back over here where he started a place over here on Cabin Creek, and I have been knowing him around in the Nation, I don't know how many places he did live, I have seen him up here where he is living now.

Q How long has he been living where he is living now? A I don't know exactly, I have knowed him out on Caney awhile, living out there, and right around in the Nation here all the while, we worked together in '67.

BY COM'R NEEDLES:

Q When you talked about the neutral land, that was a claim considered part of the Cherokee Nation? A Yes sir.

BY MR. DAVENPORT:

Q This is the first time you have ever testified for Robinson? A Yes sir.

Q You was around with the Kern-Clifton commission in 1896? A Yes sir.

Q Mr. Robinson there? A Yes sir.

Q You knew he applied? A Yes sir.

Q They didn't use you then, they used W.T. Foreman? A Yes sir, he had other witnesses.

Q You knew the same facts then you know now? A Yes sir.

Q And never did tell them? A Nobody never did ask me to tell them.

Q How did it happen you was on Big Creek in the latter part of '66, and saw this fellow? A Went back to get my aunt.

Q Was there a road from Big Creek down towards Neesho River at that time? A No sir.

Q How did you happen to straggle on him? A It was right on my road, right across the prairie.

Q You never lived in that neighborhood towards Big Creek where Sam Webber lived? A No sir, I lived on middle prong of Lightning Creek.

Q How far from Hayden post-office? A Three or four miles.

Q And you were going up to Newt Schrimsher's place to get your aunt? A Yes sir.

Q Was Robinson grown then? A He looked as big as ~~much~~ he is now, he was a good big fellow; when we went to Kansas together he was nearly grown.

Q Just at the breaking out of the war? A Yes sir, he was a young man, the other boys wasn't as large as he was.

Q You didn't know anything of them when the war broke out? A When we started to Kansas we got with the command taking refugee negroes out here, first time I saw William was up in the Neutral land, and we went together from there to Ft. Scott.

Q There was a whole lot of other colored people along? A Yes sir.

Q You remember him because he was nearly grown? A I remember him and his family because they was people I never forget.

Q What makes you think it was before Christmas in '66 that you

William Henry Robinson et al 6

saw them up there on Big Creek? A Because I am satisfied it was.

Q You have nothing on which to base your satisfaction? A I know I went after aunt Nancy and she was dead, and the result was I found them.

Q You know that was in the winter of '66? A Yes sir.

Q You know what time the applicant came back to the Cherokee Nation? A No sir, I know I went with him, and that's what time I saw him over there.

APPLICANT, WILLIAM HENRY FOREMAN, re-called and further examined, BY COM'R NEEDLES:

Q Where were you born? A In the Cherokee Nation.

Q Your father and mother free? A Yes sir.

BY MR. DAVENPORT:

Q Your parents, were they alive then? A Not that I know of.

Q You didn't reside in Arkansas in '61? A No sir, did I didn't know it.

WILMORE RICKS, being sworn by COM'R Needles, testified as follows:

BY MR. SMITH:

Q State your name? A Wilmore Rick.

Q Where do you live? A In Vinita now.

Q How old are you? A 33.

Q You know William H. Robinson, this applicant? A Yes sir.

Q How long have you known him? A Ever since the winter of '67.

Q You didn't know him before the war? A No sir.

Q Did you know his father before the war? A No sir.

Q Nor his mother? A No sir.

Q You don't know exactly where they lived before the war? A No, I don't know.

BY COM'R NEEDLES:

Q Are you a Cherokee citizen by blood? A Yes sir.

Q You don't know whether this applicant was a slave before the war or not? A No sir.

Q First time you saw him was in January, '67? A Yes sir.

Q Where? A On Cabin Creek.

Q Cherokee Nation? A Yes sir.

BY MR. DAVENPORT:

Q How long had that was he doing then Cap, when you saw him?

A They were camped on the Creek there when I saw them.

Q You don't know where they had been during the war? A No sir.

Q Had they just come from Kansas or some other place, or just seemed to be camping there? A I think they seemed to have been there somewhere.

Q About a year? A No, not that long.

Q What made you think it was January, '67? A I can tell you, Bill Foreman, I had been hired to Bill Foreman, he moved to Big Creek and from Big Creek back to Cabin Creek; I had been working for him about three months I guess, right along, and I went home about the first of December, he owed me twenty-five dollars, he told me to come back right away after Christmas and he would pay me, and I come back after Christmas about the first of January, he didn't have my money, and I stayed there about four or five days waiting for him.

Q Where was Bill Foreman living then? A On the John Foreman place.

Q How far from the Lee Schrimsher place? A About two or three miles; while I was waiting there for Foreman and hunting around.

I run across this family, hunted on the Creek there and around through the country, nothing to do but hunt around.

Q How far were they from the Lee Schrimsher or Foreman place when

William Henry Robinson et al 7

you run adross them? A About a mile and a half.

Q Did you work for Bill Foreman around the Foreman place in '66? A Yes sir.

Q Did you see them there during that year of '66? A No sir.

Q Were you following cattle around over the creeks? A Well I was driving cattle for Foreman, and driving teams.

Q You had been on the creeks around where you saw them in '67? A Not much, Foreman never liked me but left Big Creek until about

December and he come to Cabin Creek, and about the first of December I went home, and about the first of January I come to get my money.

Q Were you with Foreman from May to December, '66? A He never lived there up until then.

Q Were you around the Schrimsher place from May up to '66? A I passed there in so.

Q How far did you work from the Schrimsher place during '66? A About three or four miles down the creek.

Q Did you see this applicant or his family about the Schrimsher place at any time during the year of '66? A No.

Q How often did you say you passed the Schrimsher place? A I passed there twice. We came there as we moved over and when we come back we come back that way.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, BY COM'R NEEDLES:

Q You present a marriage certificate certifying that you married your wife, Millie, did you ever have a license? A No sir, there is the first license I got.

Q Never had any license? A No sir, that's the first time we was married, we married only according to customs.

Q Was you ever married but once? A Yes sir, I was married twice, but to the same woman.

Q What did you marry her twice for? A She came in as a claimant, they failed to respect such some year ago, and consequently we was advised to marry according to Cherokee laws.

Q When you marry according to Cherokee Law don't you have to procure a license? A That's all the license they claimed it was necessary for us to have.

BY MR. SMITH:

Q Where did you marry your wife first? A In the Cherokee nation.

Q How many years ago has that been? A 25 years ago.

Q Have you been living together as man and wife ever since that? A Yes sir.

Q Was were you married by? A Brother named Nathan Duffin, a preacher.

Q Is he living or dead? A Dead.

Q Is there anyone here who saw you married? A I guess so, Thomas Mayfield was present.

THOMAS MAYFIELD, being sworn by Com'r Needles, testified as follows:

BY MR. SMITH:

Q State your name? A Thomas Mayfield.

Q Where do you live? A On Grand River.

Q In what nation? A Cherokee Nation.

Q Do you know this applicant, William H. Robinson? A Yes sir, I know him.

Q You know his wife? A Yes sir.

Q Were you present when they were married? A Yes sir.

Q Who married them? A Nathan Duffin.

William Henry Robinson et al 8

Q About how long ago has that been as well as you can remember?
A Right near fifteen or twenty years ago.

Q Might have been near that? A Might have been.

Q You don't know how long it has been? A No sir, I don't know exactly.

Q Was Duffin a preacher? A Yes sir.

Q Where were they married? A Married in my church house there on Grand river, Island Ford.

Davenport, Cherokee Rep'v's, waives examination.

Applicant, WILLIAM HENRY ROBINSON, re-called, and further examined; by COM'R NEEDLES;

Q When were you married the first time? A Married last day of August, '72 I believe.

Q You know the reason your name is not on the roll of 1880?
A No sir.

Q Did you ever apply to have it put down? A I applied and I supposed they put it on, but it failed to show up.

Q You applied did you? A Yes sir.

Mr. Smith offers a marriage license, and hands it to Mr. Davenport, for examination.

Mr. Davenport, Cherokee Representative of the Cherokee Nation object to the introduction of the certificate of marriage offered, or the reason that at the time it was executed there was no law in force in the Cherokee Nation authorizing the issuing of marriage certificates according to Cherokee law by which any one carrying a recognized citizen could acquire property rights in the Cherokee Nation, the law having been repealed on December 16th, 1895, and for the further reason that there was no law authorizing a clerk to issue a certificate of marriage according to the laws of the Cherokee Nation to any parties other than recognized citizens of the Cherokee Nation, and if the clerk violated his duty it would give no force to the applicant in establishing his right as to having been a free colored person at the breaking out of the war and residing in the Cherokee Nation, having returned in accordance with the Treaty.

Applicant examined by Com'r Needles;

Q You apply for your wife as intermarried citizen? A Yes sir.

By MR. SMITH:

Q Did your wife apply for her enrollment? A Her mother has a claim on file here, so I can understand.

Com'r Needles; William H. Robinson applied for the enrollment of himself and wife and seven children, to-wit: James A., Jennetta, Charles E., Ollie, Amanda E., John S., and William D. Robinson; he avers that he is a free colored person, never a slave, and was a resident of the Cherokee Nation before the adoption of the treaty of 1866; he went out of the Cherokee Nation during the war between the North and the South and returned in the year 1866; he avers that he was married to one Willie Hill, a non-citizen; he however avers that his wife is an applicant or has a claim for citizenship; he presents no proof whatever as to the citizenship of his wife, and her name cannot be found upon any of the rolls of the Cherokee Nation nor in the possession of the

William Henry Robinson et al

Commissioner, he is a verbal proof of his marriage to his wife, Millie, more particularly shown in the testimony, he is also filed certificate signed by Joe M. Lahay, Clerk of Coconino District, certifying that he was married in accordance with the laws of the Cherokee Nation on the 10th day of March, 1897, to one Millie Robinson, nee Hill, a citizen of the United States, and a certificate being recorded on page 139, Book 7 of marriage record of Coconino District; upon examination of the rolls of the Cherokee Nation his name cannot be found upon the authenticated roll of 1890, but he is duly identified upon the Kem-Clifton and the Wallace rolls, and his children are duly identified upon said roll, with the exception of the youngest child, William H., three years of age, which makes it necessary for him to file satisfactory proof of marriage of said child; consequently, said William H. Robinson and his children as enumerated herein, will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife, Millie, will be duly listed for enrollment as Cherokee Freedmen by intermarriage or by her inherent rights, as the testimony may develop; he will be duly notified by mail of the action of the Commission on his application when arrived at.

Applicant recalled, supplemental examination:

MR. SMITH:

Q Did you ever have any case law case tried in the Cherokee court? A No sir.

BY COMMISSIONER:

Q Ever vote in the Cherokee Nation? A Yes sir.

MR. DAVENPORT:

Q Who did you vote for? A I don't know how many.

Q Joe Lahay? A No, I don't know as I voted for Joe Lahay to get him to sign anything for me.

Q Who did you vote for? A I voted for the treaty, and I voted for Mr. Buffington and I voted for you when you was running.

Q Are you sure of that now? A I know it.

BY COMMISSIONER:

Q Was Davenport's majority over one? A I don't know that.

Q If it wasn't over one we could throw him out, because yours was illegal, eh? A (No reply.)

H. D. CHASE, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 20, 1901.

Commissioner.

To be filed with S. J. & 874, Wm. E. Robinson.

Before the Superior Court,
County of Cherokee, State of Georgia,
June 10, 1901.

Supplemental testimony.
Cherokee Freedmen D-200

Walter A. West and J. P. Blodgett, for applicants;
W. E. Robinson, for Cherokee Nation.

The attorneys for the Cherokee Nation take notice of the proper service of notice of the introduction of testimony in the above case on this date.

Walter A. West, being first duly sworn by Commissioner Needles, testified as follows:

Q. Hastings, what is your name? A. Walter A. West.

Q. What is your age? A. 40 years.

Q. Are you a citizen of the Cherokee Nation? A. Yes, sir.

Q. How long have you lived in the Cherokee Nation? A. 30 years.

Q. Were you out of the Nation during the war? A. Yes, sir, I was out during the war three or four years.

Q. When did you come back to the Cherokee Nation after the war? A. I came back in the spring of '66.

Q. Where did you live in the spring of '66? A. I lived up on Weashe River after I went up above.

Q. How long did you live there? A. I lived on Weashe, this side of Weashe River, about two or three months, and then I moved down below.

Q. Do you know Thomas Mayfield, the applicant here present?

A. Yes, sir.

Q. Did you know him before the war? A. No, sir.

Q. How long have you known him? A. I got acquainted with him, I saw him in '68 the first time I saw him.

Q. What place was he at? A. Well, he was on the military road right below where I was living.

Q. From what point does that road run? A. From Fort Ross Gibson, at that time.

Q. How long was it open? A. Fort Scott, Kansas, and Kansas City and Fort Smith.

Q. Well, state the circumstances of seeing him on the military road? A. Well, I was at the military road and he was met by some and some of these fellows that he knew, I got acquainted with him, then I saw him.

Q. Did he have his family? A. He had a family with him, I proposed to go with him.

Q. Others along with him? A. Yes, Mr. Jack Davis, Mr. Bean, and Jack Bean.

Q. How long did he stay? A. And you, Mr. Mayfield?

A. About 30 days, sir.

Q. What had you been doing the two years immediately before that, 1867 and '68? A. Right on the military road.

Thomas Mayfield - 13.

Q How far did Mr. Mayfield live from you after you saw him in '69?
A About five miles.

Q Did he stay there? A Yes, sir, he had a place across the river
and lived on the same side.

Q Did you ever see him there? A Yes, sir, you first saw him? A I
just saw him there.

Q Did you know about seeing him there?
A No, sir, I didn't know about seeing him there.

Q Did you know that direction, and he camped there?
A Yes, sir, I knew that direction, and he camped there.

Q Did he live with him? A Yes, sir, he lived with him.

Q Did he live with you in the Cherokee Nation?
A Yes, sir, he lived with me in the Cherokee Nation.

Q Is there anything that you are positive about fixing the date
in 1868? A No, sir, I had been trading with a govern-
ment wagon, that is the way that was driving the wagons, selling
some hay, the day he came there, and I got my pay for that two or
three days afterwards, on the 20th I believe, February, 1868.

Q You mean 1868? A 1868.
Q Did you preserve any letter or document which shows that date
when you received the pay for the hay? A Yes, sir, I have a paper
that shows the date exactly, but I didn't preserve it at that time.
I filed it away with all the papers I have, and I didn't think of
it in this other case heretofore.

Q And you have that with you? A Yes, sir.
Q And that date does it show? A It shows I received my money on
the 20th, that is my check.

Q On that month? A February, 1868.

Q You were pretty well acquainted in the neighborhood in 1868?

A Yes, sir.

Q Had you been the two years previous? A Yes, sir.

Q Did you know any of the colored people who were in the crowd with
Thomas Mayfield? A I did Jack Bean, I knew him.

Q Had you known him before the war? A Yes, sir, I knew him before
the war.

Q Did you have any talk with him at the time? A Yes, sir, his
wife had a servant of my wife's father, and they learned that we
were there on the day and they came there and visited us, in how
some way to know what I was of these circumstances.

Mr. Smith: Mr. Post, you hadn't been acquainted with Thomas Mayfield
before the war? A No, sir.

Q The time you speak of is the first time you ever saw him?

A Yes, sir, the first time I saw him.

Q You don't know how long he had been in the Cherokee Nation
when you saw him? A No, sir.

Q You don't know whether he had his family with him at that time
or not? A No, sir, he had a family but I don't know whether they
were his or not.

Q When did you see him? A I saw him in the Cherokee Nation about the
year 1868, I left and lived February 1st, 1868.

Q Where did you go to? A I went on up to Fort Scott, right direct
through the country, so where my father lived on this side of Fort
Scott, Kansas.

Q How long did you stay there? A Well about the first or middle
of the year.

Q What year? A 1868.

Q How were you paid for it? A I came down to the river, in the Cherokee
Nation, and there met me my father and went to trading and
trading with the Indians along the river.

Thomas Mayfield - 2

Q How long did you continue in that business? I continued off and on the years.

A How long was that? I was there till fall.

Q And where was that? I was there till fall.

A I was there till fall.

Q How long was that? I was there till fall.

A I was there till fall.

Q How long was that? I was there till fall.

A I was there till fall.

Q How long was that? I was there till fall.

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Q How long was that? I was there till fall.

A I was there till fall.

Q How long was that? I was there till fall.

A I was there till fall.

Thomas Mayfield, - 2 4.

Q You can go back 25 years and connect Thomas Mayfield with that particular transaction, how do you do that? A Simply I had that transaction at that time.

Q Were there not other transactions? A Yes, sir, but not so great as that one.

Q It couldn't have been any other transaction you had with the Government when you saw Thomas Mayfield? A It might have been some other, but I don't know, that is all there is about that part of it.

Q Are you going to say that it was this particular transaction?

A Yes, sir.

Q Have you got that letter? A Yes, sir, it is just a receipt (hands Mr. Smith paper.)

Q (Reading paper) Mr. West, all that you claim about the paper about which you have spoken is that it carries that date by which you fix the time? A Yes, sir, it carries it, near about it.

Q Did you give that paper? Were you a witness before the Kurn-cliffen Commission? A Yes, sir, I was.

Q Did you have that paper there? A Yes, sir.

Q When did you hunt that paper up? A I hunted it up during the court time.

Q Were you subpoenaed as a witness during that court? A Yes, sir.

Q When did you hunt that paper up, before or after you were subpoenaed?

A I hunted it up after I was subpoenaed, I didn't have occasion to hunt it up before.

Q You testified, I believe you stated, before the Kurn-cliffen Commission? A Yes, sir.

Q Mr. West, you don't know where this man was in '88 do you?

A Not till that date, not before that date.

Q I say you don't know then where he was in '88 or at any time prior to '88? A Only that day of '88 when he was at my house.

Q He passed your house in '88 did he? A In '88 I meant, that is the first time. In '88 I don't know where he was, or any time before '88.

W. B. Thompson, being duly sworn by Commissioner Hendon, testified as follows:

Q What is your name? A W. B. Thompson.

Q What is your age? A 45.

Q What is your post office? A Vinton.

Q Do you know the applicant, Thomas Mayfield, the colored man there?

A Yes, sir.

Q How long have you known him? A Well, I know him since steady and well you.

Q Did you know him before the war? A No, sir.

Q You have only known him since the war? A Yes, sir.

Q Where did you go during the war? A Went to Texas.

Q What did you return to the country after the war?

A I came to Fort Gibson in May, 1865, and Robin Creek, January, 1866.

Q Well, where did you first locate in this country, up near Vinton? A Right where I live now, but I didn't own the place then, I only rented it at that time.

Q You have lived there since then? A No, sir, I moved away from there and never came back.

Q You have lived in a house somewhere else since? A Yes, I have.

Q How far away is that house from you, the applicant? A Where he lives now, just about three or six miles I reckon.

Thomas Mayfield - 3.

Q When did you first see Mr. Mayfield after the war? A Well, it
must have been, I think, in the fall of 1918, about 1918 I reckon
it was. I saw him in the neighborhood, to the best of my recollection,
Q Was he in the neighborhood when he first returned?
A Yes, sir.
Q How long after the war did you see him?
A About five years after the war.
Q Where did you see him?
A In the neighborhood of colored people in the
best of my knowledge.
Q How long after the war did you see him in 1918?
A He lived in the neighborhood in 1918. A Yes, sir, he lived right
in the same neighborhood. A Yes, sir, five or six miles from
where he first returned.
Q You didn't know Mayfield before the war? A No, sir.
Q What time did you see him, Mr. Thompson, when you
came back to the neighborhood after the war? A I said I came
to Port Gibson in December, 1918, and I came to Cabin Creek in January,
1919.
Q In January, 1919? A Yes, sir.
Q You didn't know Thomas Mayfield before the war? A No, sir.
Q You don't know where he was in 1918? A No, sir.
Q You don't know whether he was in that neighborhood that you went
to when you first got there or not? A If he was there I never heard
of him, he might have been, so far as I know, but if he was I know
I never heard of him.
Q He might have been there though? A He might have been, but I
know none of the families in the neighborhood.
Q You don't state he wasn't in that neighborhood when you went there?
A No, sir.
Q How long after the war did you see him? A I never saw him.
Q You were well acquainted through the neighborhood? A Yes,
sir, I lived there before the war.
Q You were acquainted with it before the war? A Yes, sir.
Q Was it thickly settled or thinly settled? A It was sparsely
settled.
Q You knew people from a distance? A Yes, sir.
Q How long after the war did you see him? A No, sir, it wasn't my business.
Q And a year or two before you saw him?
A I don't believe he would have been in the neighborhood. I don't
believe that long.
Q You don't know, but you don't know he couldn't have been.
A Of course it wasn't my business to run around and hunt them up.
Q But you didn't see him? A Mayfield was there when you came
there or not? A I don't really say he wasn't there, but if
he was I didn't see him.

Thomas Mayfield # 8.

Q November, '86.
Q Where did you go for a while to Texas?
Q Come back with your father? A Yes, sir.
Q Where did you go to Texas? A We located at our old place, about ten miles from where we lived.
Q Did you live there for a while? A No.
Q Did you know him after the war? A Yes, I knew him after the war.
Q Do you know when I first saw him after the war? A No.
Q When was the first time you ever saw him after the war? A The first time I ever saw him was about '89.
Q How far did he come from Texas? A About ten miles and a half; well I wasn't living there in '89, that is where I live now.
Q How far were you from where he located there in '89? A I don't know really. I was very old then I guess down about ten miles.
Q How far were you from where he located in '89? Were you at your old place then? A Yes, in November, '86, about ten miles.
Q You were at the same place in November, '86 and in November, '89 also? A Yes, I made that my home although I did not stay there all the time. I was about from one place to another.
Q Mr. Wright, you were married at that time? A Yes, sir.
Q I young man living with your father, and made that your headquarters? A Yes, sir.
Q Where did you spend most of the time? A I was here and there and in Texas and came and forth and at the time a great deal.
Q There part of the time and some part of the time and now and there? A Yes, sir.
Q Then that place you speak of was about ten miles from where Mayfield went to live, was it? A Yes, that is where my father lived.
Q At that time you didn't have a home, stayed with your father? A I didn't have any certain place only at father's.
Q About what age were you then? A About 18 or 19.
Q When was it you first saw Thomas Mayfield? A The first time I remember seeing him I think was about '89, he was running a ferry.
Q And you are not quite certain about its being '89? A Well, yes I am pretty certain it was '89 the first time I saw him, I know him if I saw him before I didn't know him.
Q Right that was about '89? A Well, I don't know and it was, I think it was '89.
Q But you are not positive about it? A No, I was not positive, it has been so long ago.
Q Tell you didn't go back to your father's place at all until in November, 1899? A That is as early as I came there.
Q How long did you then stay at your father's place after you came back before you went away elsewhere? A We were there all winter.
Q Then did you go back to Texas? A No, the next summer I was there and Pryor Creek, and most of the spring and summer.
Q But your father's place was ten miles at least from where Mayfield lived when you became acquainted with him? A Yes, sir.
Q How long was it then before you had a place of your own, and went to living there, right? A In '92 I moved there in about two miles and a half.
Q You have been living about two and a half miles or less ever since '92? A Yes, that is, until he moved away, he moved away from the place he was living on that summer or about your age.
Q You saw him then until the time you became acquainted with him? A Yes, sir, after I got acquainted with him I saw him often.

Thomas Mayfield - 7.

Q You of course don't pretend to say he hadn't been living up at a place ten miles away from your place when you became acquainted with him? A No, I don't know how long he was living here at all, only when I first saw him.

Lucien B. Bell, being duly sworn by Commissioner Needlen, testified as follows:

Q What is your name? A Lucien B. Bell.

Q What is your age? A 43, about.

Q What is your post office? A Vinita.

Q Do you know the applicant Thomas Mayfield? A Yes, sir.

Q He is present here is he? A Yes, sir, that is him right behind Smith.

Q Are you citizen of the Cherokee Nation by blood? A Yes, sir.

Q You go out of the Cherokee Nation during the war? A Yes, sir.

Q What time did you return to the Cherokee Nation after the war? A Well, I came back in the neighborhood of where I settled, right in a mile or there I located, in the latter part of 1867; I came into the Cherokee Nation along in May, 1867, stopped ten miles below there, or twelve, and made a little crop; I located right on Cabin Creek near the military road where it crosses it, on the south side.

Q How far was this from where Mayfield afterwards located, the applicant, Mayfield? A Well, I guess it was three, two or three miles, something like that, three and a half.

Q How long do you live at that place? A Well, if you count me living here now, I have been living here thirty odd years.

Q You own the place now? A I have sold some part of the claim off, but I have got my farm on the same claim.

Q You are familiar with that country? A Yes, I am pretty well acquainted with it, more so than that latterly, latterly I have been away from there a good deal.

Q You lived on that farm then at that time? A Yes, sir, I lived right on the same spot from 1867 to 1881; and then I moved about three quarters of a mile to another part of it.

Q When was the first time you ever saw Thomas Mayfield? A Well, I saw Tom Mayfield about two years after I returned, was the first time I saw him, about 1869.

Q Were you familiar with the place where he located, this section of the country and all? A Yes, I saw him on the other side of the Grand River where it crosses the mouth of Cabin Creek; he lived there; I don't know whether he was living on his own place or not, probably it was the Will Hick's place where I saw him first; that is all in the same neighborhood.

Q He was living there when you first saw him? A Oh, yes he was living there; he wasn't dead.

Q He hadn't just come there had he? A I can't say as to that, I knew about when he first came, about when I first saw him; I know when the people around there said he came.

Q I am asking you about your own personal knowledge? A I told you that is the first place I saw him; I don't recollect whether he said to me he had just come or whether he had been there, I don't recollect that we talked about that. I had known him some years before that.

Q He was already known to you then? A Well that is enough.

Q Are you the chief counsel of the Cherokee Nation? A These fellows-

Q That is your son? A Yes, sir, he is.

Q What is your son's name? A He is, I think, Anderson County.

Q How long have you been a resident of Anderson County, Kansas? A I have been there for about 10 years. I came here in '85.

Q Did you live there for 10 years after the war? A Yes, sir, that is correct.

Q Did you live there for 10 years after the war? A Yes, sir.

Q Did you know a colored man by the name of Thomas Mayfield? A Yes, sir.

Q Did you know him? A Yes, sir.

Q What was his wife's name? A Her name was Mrs. Mayfield, the name to which I am referring.

Q When did you first learn to know them? A Well, just right away after the war. I don't know whether it was '65 or '67, well '66 or '67 and '8 they lived on our place. I think they had a lease for three years and I believe they took that lease in '65.

Q Well, do you know where they were in '65 and '67 and '8? A Yes, sir.

Q Where were they? A They were there on my father's place.

Q Well, when did they leave there? A They left there in the winter of fall of '88 in my recollection.

Q Do you know whether they made a crop there in the year of '88? A Yes, sir, I believe they did.

Q Plowed right with them? A Yes, sir, right in the same field.

Q In the same field? A Yes, sir.

Q Did they claim to be Christian ministers? A Well, I believe they did.

Q Do you know where they said they were going when they left there? A They said they were going to the station.

Q Now, did you move to the same field with them? A Same field with him, they had a lease on my father's place, and he bought their crop that fall after they left it.

Q That fall? A Well, yes, I moved in '88 in the season I moved this, and that was all that was left for me to do. My father was probate judge, and he left everything to me. The reason I recollect all these things, and I don't know about farming, never had any business in my life, and I don't go over to him and the way I should do the work, and that I should have done and so on.

Arthur D. Green, who is the only person who relates that an attempt was made to kill him, states that he was killed in the above case, and that the person who killed him was the same person who killed the other person.

(Signed) Arthur D. Green.

Subscribed and sworn to before me this 10th day of May, 1902.

(Signed) J. H. Baker.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. T., May 12, 1902.

In the matter of the application of Thomas Mayfield for the
enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-200.

APPEARANCES:

Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a
decision of the Supreme Court of the Cherokee Nation taken from a
book labeled "Pocket of Doubtful Cases for Cherokee Citizenship
Tried in 1871," from Saline District, the following:

"No. 60. Thomas Mayfield.

Decided against defendant June 8, 1871."

MR. SMITH: Counsel for applicant objects to the introduction
of the matter offered for the reason that it is incompetent,
irrelevant and immaterial, and because the matter offered is not
proven to be a judgment rendered against anybody, and because it is
insufficient to prove any issue in this case, and because it does
not tend to prove any issue in this case, and because the same is
not competent to be offered before this Commission in evidence in
the form sought to offer it, and because the Thomas Mayfield
mentioned therein is in no way shown to be identical with the
applicant in the above entitled application.

W. W. Hastings, being first duly sworn, testified as
follows:

My name is W. W. Hastings; I am one of the representatives of
the Cherokee Nation. This book was given me as coming from the
Executive Department of the Cherokee Nation, where the records of
the Supreme Court, as well as citizenship courts, are kept, and
this book is part of the records of the Executive Department of the
Cherokee Nation, and at the present time in my keeping as one of
the representatives of the Cherokee Nation.

Arthur S. Croninger, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he
reported in full the testimony and proceedings in the above case,
and that the foregoing is a true and complete transcript of his
stenographic notes thereof.

(Signed) Arthur S. Croninger.

Subscribed and sworn to before me this 24th day of May, 1902.

(SEAL)

(Signed) F. C. Reuter.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, J. T., May 12, 1902.

In the matter of the application of Thomas Mayfield for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-200.

APPEARANCES:

Mellotte & Smith for applicant.
Cherokee Nation by W. F. Hastings.

J. M. JOHNSON, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. M. Johnson.
Q What is your postoffice? A Garnett, Kansas.
Q What is your age? A 50 years old.
Q What is your business? A My business is real-estate, loan and abstracting.
Q I believe you have already testified that you have lived at Garnett since '59? A Yes, sir.
Q Do you know a colored man up there by the name of Tom Mayfield?
A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Niece.
Q Did they have any children? A One son that I remember.
Q What was his name? A Charley.
Q When did you learn to know Thomas Mayfield? A In '68.
Q In '68? A Yes, sir.
Q Where did he live then, I mean how far did he live from you, in the town or country? A He lived about two miles and a half from Garnett.
Q From Garnett? A Yes, sir.
Q What direction from town? A Southeast.
Q How long did he continue to live there, when did he leave there?
A He left there in '68 or after '68, he was there on the 25th day of December, 1868.
Q Do you remember it? A Yes, sir.
Q Did you ever work with him? A No, sir, I was out at his place different times.
Q You was at his place different times? A Yes, sir.
Q On whose place did he live, if you remember? He first lived on C. Gibson's place, an uncle of mine.
Q An uncle of yours? A Yes, sir, in '68.
Q Well it was after '68? A Yes, sir, when he lived on my uncle's place was July, '68.
Q Where did he live after that? A Well he moved about half a mile southeast onto J. T. Campbell's farm.
Q Did he make a crop there in '68? A Yes, sir.
Q And sometime after this crop was made before he came to the territory? A Yes, sir.
MR. SMITH: Then was it you saw he left there? A He left there in '68, after '68.
Q Well how long after '68? A I wouldn't know you just what time he left in '68, he was there on the 25th day of December, '68.

Q December of '68? A Yes, sir.

Q Where was he on the 25th day of August, '68? A He was there on Judge Campbell's farm.

Q How do you know? A Know there was where he lived until he left Kansas, left Anderson County.

Q Well the question was where was he on the 25th day of August, '68? A Well now, I couldn't say where he was.

Q Where was he you say the last time you saw him? A He was there on Judge Campbell's place.

Q When did he go on Judge Campbell's place? A I think he moved on Judge Campbell's place in '67.

Q What time in '67? A Spring of '67.

Q Where did he go from, where was he living before? A He moved from Gibson's farm, right adjoining Campbell's.

Q How long had he been there? A I don't know, only the year '66, he farmed Gibson's place in '66, part of it.

Q What time of the year was it in '66 when you first saw him? A I think sometime in June.

Q Sometime in June? A Yes, sir, that was my first recollection.

Q Well that's been how long ago? A Which, '66?

Q Yes, sir. A Be about 24 years, wouldn't it?

Q From now? A Yes, sir, this is 1902, and '66 would be about twenty - let's see, 20, '66, would be worse than that, be about 32 years ago.

MR. HASTINGS: How many years did you say now it was, after you have figured it up? A '70 would be 30, and four would be 34, and two would be 36 this year.

MR. SMITH: Well now after that lapse of time what is it that makes you remember that it was in June '66 that you first saw this man? A This uncle of mine died in '66, July of '66, that's what fixed it, he was living there on the place when he was taken sick.

Q Who was? A Mayfield, living on my uncle's farm.

Q Have you ever seen him since he went away from there? A No, sir.

Q Well you don't know whether that is the same man that is the applicant in this application or not? A No, sir, I would say that he was.

Q Well, Mr. Johnson, when did you first have your attention called to the time that Thomas Mayfield left Kansas? A Last week when I was talking with parties about these other colored people I mentioned him.

Q Well now when was he first mentioned to you? A Which, about Thomas Mayfield? We were talking about the colored people, and that is the way it come up, I spoke of Mayfield myself, and they were talking to the old ones that lived there.

Q Where? A At Garnett.

Q Why did you do that? A They were asking me what colored families I knew.

Q Well did they ask you about Thomas Mayfield? A No, sir, I told them about Mayfield, they were asking me and the other parties and trying to fix the names, and I spoke of Mayfield myself, named him among the others.

Q Well he didn't go away from there at the same time according to your idea of it that McNair went away, did he? A No, sir, McNair was among the first that left.

Q Well who left at the time McNair left? A I think some of the Negroes.

Q Which ones? A I think Sandy Bean left at the same time.
 Q Who else? A I don't know but the other Beans, some of them Beans, I think I probably all of them.
 Q Well, what were their names, who were they? A There was Tobo, and Joe, there was five of them all together.
 Q What was this man McNair's name? A Riley.
 Q Riley McNair? A Yes, sir.
 Q Well now, Mr. Johnson, when was the matter first mentioned to you could you remember of your independent recollection the date when Mayfield left there? A Yes, sir.
 Q Just remembered that? A Remembered that from the circumstances which occurred, just related.
 Q Well you had to look up the record about McNair? A Yes, sir, but I didn't about my uncle's death, and things of that kind, circumstances that occurred along about that time, know the time that they lived at Gibson's, and they left there, and the length of time they lived on there.
 Q You remembered Mayfield better than you did McNair? A Yes, sir.
 Q When was it you say your uncle died? A July, '66.
 Q '66? A Yes, sir.
 Q And you say Mayfield didn't leave until '68? A '69, sometime in the first of '69.
 Q Let's see, '66, that was some time after your uncle died?
 A About a year and a half.
 Q Well he died in '66? A Yes, sir.
 Q The next year would have been '67? A Yes, sir.
 Q Next '68? A Yes, sir.
 Q Been two and a half, wouldn't it? A Yes, sir, two and a half years.
 Q Well there was nothing about that fact or month that you have stated that would have made you remember this ran two years and a half after your uncle died, was there? A No, sir that occurrence, that would be about all, being bound back to my uncle's death there, and knowing my father and my uncle, the fact that they lived on Campbell's farm.
 Q Well how long did they live on Campbell's farm? A About two years and a half, two years.
 Q Well he lived on Campbell's farm then all the time from the time of your uncle's death or until they left? A Yes, sir.
 Q Well now 36 years afterwards you remember whether it was one year and a half, two years and a half, or three years and a half?
 A Could from the facts that I told you about.
 Q Well you stated a minute ago that it was a year and a half? A Two years and a half after fishing.
 Q You had to figure it out? A No, I hadn't made no account of it, no.
 Q Well now after a lapse of 36 years do you think that you can be positive that they ran living there two and a half years after you got acquainted with him there? A Yes, sir, by the events and circumstances that occurred, yes, sir.
 Q Well now what event occurred? A Well circumstances that we were thrown together, and being back and forth from visiting.
 Q What was the circumstance? A Hunting and fishing.
 Q Well that long afterwards as you remember whether you had hunted and fished with a man a year or two? A Well, about seasons, '68 and a dry year with us, and then compelled to go to the creek for water, we could tell that people were living there, would remember it.

Q That's in the early part of '88? A That he left there, yes, sir.
 Q Well, was also left there in the early part of '89? A None that
 I know of.
 Q Anybody leave there in the early part of '90? A There was
 several parties left there in '90.
 Q '79? A I think there were some of them left in '79.
 Q '78? A I couldn't say about that.
 Q Well, you remember better the further back it goes? A Being
 associated with them I would know better, is I had been associated
 with them after that probably it would have been impressed on my
 mind, I might remember it just as well later as back further.

Arthur G. Croninger, being first duly sworn, states that as
 stenographer to the Commission to the Five Civilized Tribes he
 reported in full the testimony and proceedings in the above case,
 and that the foregoing is a true and complete transcript of his
 stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 23rd day of May, 1902.

(SEAL)

(Signed) P. G. Barker.

Notary Public.

I, J. W. P. Jones, a Notary Public to the Commission to the
 Five Civilized Tribes, do hereby certify that the above and foregoing
 is a true and correct copy of the original now on file with the
 Commission, as the same was reported by me.

(Signed) J. W. P. Jones.

Subscribed and sworn to before me this 23rd day of May, 1902.

(Signed) B. C. Jones
 Notary Public.

SUPPLEMENTAL TESTIMONY.

F.-D.#674.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

Supplemental testimony in the matter of the enrollment of William H. Robinson as a Cherokee Freedman; introduced on the part of applicant:

WILLIAM FOREMAN, being duly sworn by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith, for Applicant.

Messrs. Hastings and Davenport, for Cherokee Nation

BY MR. SMITH:

Q State your name. A William Foreman.
Q Where do you live, Mr. Foreman? A Near Wagoner.
Q How long have you lived in the Cherokee Nation? A 64 years a little over.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Citizen by blood? A Yes, sir.
Q Do you know this applicant, William H. Robinson? A Yes, sir.
Q How long have you known him? A First knew him in '62.
Q Where? A Lees Country on Cabin Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Who was he with at that time? A With his father and his mother, they were living there working there.
Q What was his father's name? A Lumford I think.
Q What were they, Mr. Foreman, slaves or free colored persons?
Q My understanding is that they were free.
Q Where did they go during the war? A Fort Scott, Kansas.
Q When did you first see that family back in the Cherokee Nation after the war? A First saw this boy and his brother near Lees country in May, '66, but his father and mother I never saw since the war.
Q Well, how old was William when you saw him in '66, after the war here? A He was a young man probably 16, 17 or 18, somewhere along there, a young man.
Q Did you know the wife of Lumford, did you know his father?
A Yes, sir, I saw her at Fort Scott in '66.
Q What was her name? A I could not tell you.
Q Where did you see her say you saw her in '66? A I left them at Fort Scott in '66.
Q Now, were you acquainted with his mother before the war?
A No, sir, only at Lees Country in '62.
Q Where was she? A Working there.
Q And they were free colored persons you say? A Yes, sir, they claimed to be from Arkansas.
Q Well, you were acquainted with this country? A Yes, sir.
Q You knew whether they belonged to anybody?
A They didn't belong to anybody in this country that I knew of.

BY MR. HASTINGS:

Q When did you say you knew the applicant first?
A I first saw him in '62 at Lee Schrimmer's.
Q Is that the first time you ever saw the applicant?
A Yes, sir.
Q You testified for him before the Kern-Clifton Commission?
A Yes, sir.
Q You testified that you saw him on Shoals Creek with Eliza in 1862? A No, sir, some of that isn't correct.
Q How do you know his testimony isn't true?
A I have seen it and know it is not true.
Q Where did you see a copy? A Some fellow had it here.

Q Fellow L. A. Bell? A I think so.
Q Where were you living in '61? A I was living on Poteau river about six or seven miles below Chatopa.
Q What time of the year was it you saw this fellow?
A Along in the fall.
Q How long did you see him there? A I saw him there two different times, I was passing there and stayed all night at Lees country one time.
Q Do you know where this ~~fat~~ family came from? A No, sir, only what they claimed.
Q What did they claim? A Claimed to come from Arkansas.
Q You swore that they refuged from Arkansas in '64 then didn't you? A I don't know.
Q Did Lee Schrimsher live on the line? A No, sir, lived on Big Cabin Creek.
Q Well, didn't you swear before that you saw this Robinson in '61 or '2 on the neutral land? A I don't think I did.
Q Well, do you deny that now? A Yes, sir, I do.
Q You admit though that you testified for them before the Kern-Clifton Commission? A Yes, sir.
Q Now, how many did you see in '66 of this family?
A I could not tell, the old man and his wife and a lot of children, this boy and another he claimed to be his family.
Q I thought you said just now you never saw his father?
A I saw him at Lee Schrimsher's in '62.
Q I mean in '66? A I never saw him in '66.
Q Now, who did you see in '66? A I saw this boy and his brother.
Q Was he older or younger? A Older.
Q And you only saw this boy about in '66? A He came there to Lee Schrimsher's in May, '66.
Q How long did he stay in there? Q I don't know, he came in.
Q Was Lee Schrimsher there? A No, sir.
Q Who was along with you? A A fellow named Wolf, dutchman.
Q Did he settle there with them? A He did that fall.
Q Where were you going? A I was going up to the Dave Martin place.
Q Who was living there at that time? A Nobody.
Q Did you have a place there at that time? A First bought a place from Tom Hudson and I afterwards sold it to Bill Martin.
Q Was there a place made in '66? A Made before '66.
Q Was any crop in then, '66? A No, sir.
Q Did you put any in? A No, sir, I moved out there and intended to stay and they stole my cattle.
Q Did you have any family with you? A No, sir, just some work hands.
Q Well, how long after that was it before you saw this Robinson family? A The next time I saw this one was when Wallace had the Wallace Court.
Q You don't know what became of them between that and the Wallace Court? A No, sir.
Q Did you see any other members of the family in the meantime?
A No, sir.
Q These two then were there alone? A Yes, sir, just the two, they claimed that was camped on Russell Creek; I don't know whether they was or not, I didn't see them.
Q How far was Lee Schrimsher's from Russell Creek? A About 25 miles.
Q Lee Schrimsher lived on Cabin Creek? A Yes, sir.
Q About how far from Vinita? A About ten miles.
Q There was nobody there in this house at that time?
A No, sir.
Q What were they doing down there? A They came there to see if Lee Schrimsher had come back for they wanted to get work.
Q There were five of these brothers applied before the Kern-Clifton Court? A I don't remember.
Q You charged them \$125 didn't you? A I think I did.

Q To testify in that case? A Yes, sir.

Q Are you charging them anything this time? A No, sir; they paid my fare up here from Wagoner.

Q You were at Chelsea when this man applied? A No, sir; I was there three days at Chelsea and I understand he made application after I left there.

Q He was there while you were there? A Yes, sir.

Q And you saw him there? A Yes, sir.

BY MR. SMITH:

Q Why did you charge him \$125 before the Kern-Clifton Commission? A I thought it was right that I should have pay for my trouble running around tending to these courts, it cost me something to be here.

Q Where did you have to go to when you testified before the Kern Court? A I went from Wagoner to Lightning Creek, where the Court was held.

Q Was it at Lightning Creek he made his application? A Yes, sir.

BY MR. HASTINGS:

Q How far is it from where you lived to Lightning Creek? A I came around by this place, I suppose it is about 25 or 30 miles.

Applicant offers in evidence some permits issued by the authorities of the Cherokee Nation.

Counsel for Cherokee Nation objects to the introduction of said permits for the reason it is irrelevant, incompetent and immaterial.

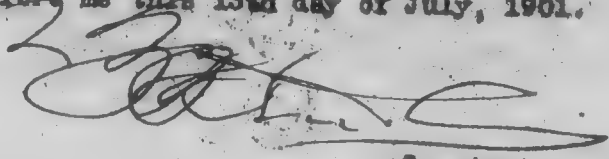
Permits are permitted to be filed.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 13th day of July, 1901.



Commissioner.

NOTICE!

IN THE MATTER OF the application of Wm. H. Robinson
for enrollment as Cherokee citizens:

Case No. D 674

To Wm. H. Robinson or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

L B Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

SUPPLEMENTAL: C.F. D-415.

"3"

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 12, 1901.

In the matter of the application of Josh Vann et al., for enrollment as Cherokee Freedmen.

Appearances:

Mr. Mellette, of Mellette & Smith, attorneys for appl't;
Mr. J.S. Davenport, of attorneys for Cherokee Nation.

TESTIMONY TAKEN ON BEHALF OF CHEROKEE NATION.

GEORGE WALKER, being sworn and examined testified as follows:
BY MR. DAVENPORT:

- Q What is your name? A George Walker.
Q Where do you live, Mr. Walker? A I live on Cabin Creek.
Q What is your post-office? A Kennison, I. T.
Q How old are you? A About 72.
Q How long have you lived in the Cherokee Nation? A All my life pretty near it.
Q How long have you lived up in between here and Chetopa, Kansas, up in that neighborhood where you now live? A I moved to where I now live in the fall of '66.
Q You had been living before you moved to where you now live up right close to Chetopa, you know the Creek up there they call Russell Creek? A Yes sir.
Q Now how far is it from Chetopa, Kansas, down in the Territory? A It is about three miles, or little over maybe.
Q Were you around there during the year of '66 and '67? A Often and on.
Q You lived near Chetopa did you during the year '66 until you moved over to where you live now? A Yes sir.
Q Was there any houses along that Russell Creek built along there in '66 that you remember of? A Trott built one there in '66.
Q Did Sam Trott? A Yes sir.
Q That's the father of F. B. Trott and Doc Trott? A Yes sir.
Q Was there any colored families built along there on that Creek during that year? A Not that I know of.
Q Well did you see any there? A No sir.
Q Did you ever know a colored family named Poo or Vann, Sukey Poo and her family? A No sir.
Q Did you ever know Josh Vann? A No sir.
Q When did you ever see them in that country, if at all? A I can't know that I knew them.
BY MR. MELLETTE:
Q How long is Russell Creek, Mr. Walker? A Well it is about, as near as I could tell it is about 5 or 6 miles.
Q Five or six miles long? A Yes sir.
Q Where does it enter the Indian Territory, is it here in the Indian Territory? A It is all together.
Q How? A It is not in the State at all.
Q What? A There is none of it in the State.
Q It is all in the Territory? A Yes sir.
Q What does it empty into? A It empties into the Neosho.
Q Whereabout? A Well about something near two miles from where Trott lived.
Q Were you ever at its mouth? A Yes sir.
Q When? A Trott's house you mean?
Q No, were you ever at the mouth of Russell Creek? A Oh yes, often.
Q When? A I used to fish there.
Q How when did you move into that country? A On Cabin Creek?
Q Yes? A Well in '66 I moved there.

Q The fall of '66? A Yes sir.

Q How far is that from Russell Creek? A Well it is about, something near 8 or 10 miles, eight miles anyway.

Q Do you pretend to have located everybody that lived in around that country 8 or 10 miles from you? A There was nobody living there.

Q How do you know? A I have been around that Creek often.

Q You swear that nobody lived in that country in '66? A Trott lived there.

Q Anybody else? A Then there was another house, it was built afterwards up the Creek, a little cabin, Oliver Morris built it.

Q I don't care whether there was logs or not, but do you know whether or not there were anybody camped around in that country? A No I don't.

Q You don't know whether they were there or not do you? A No.

Q How you located up there where you live in the fall of '66?

Yes sir.

Q What time? A I couldn't tell you exactly what time; it was in the fall, toward winter.

Q Do you swear that these people were not living on Russell Creek during that winter? A No, I swear I never saw them.

Q But you don't know whether they were there or not? A No sir.

BY MR. DAVENPORT:
Q As I understood you awhile ago, you said you were living near Chatops on Russell Creek when you moved to Cabin Creek? A Yes, I was living right joining Chatops.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereon.

M. D. Green

Subscribed and sworn to before me this November 15, 1901.

J. C. Starr
Notary Public.

Continued from stenographer M. D. Green, at Vinita, I. T. October, 12, 1901

JOSH VANN et al., C.F.D. 415.

W. L. TROTT, being first duly sworn by the commission testified as follows: (On the part of the Cherokee Nation.)

(By Davenport)

Q What is your name? A W. L. Trott.

Q What is your age? A 57.

Q What is your post office address? A Vinita.

Q How long have you lived in the Cherokee Nation? A I have lived in the Cherokee Nation, well since the spring of '66 since the war, I lived here before the war too.

Q During the year '66, where were you? A During the year '66 I was on Russell creek in the Cherokee Nation.

Q How far from there Chetopa now is? A Three miles.

Q What were you doing there that year? A Living there improving the place.

Q You were living with your father that year were you not? A Yes sir.

Q Who owns that place now, the one you improved that year? A I don't know.

Q How long did you stay there on that place? A Came there in the spring of 1866 and moved away in the fall of '66.

Q When you went there were there any houses along on Russell creek? A No sir.

Q When you left there were there any houses other than the one you and your father built? A No sir.

Q How long is Russell creek, how far is it from there it comes into the Territory to where it empties into the river? A I don't know exactly, where the head of Russell creek is, but I think it is about six or eight miles from the head to the mouth.

Q Do you know Josh Vann? A I do not.

Q Do you know Sheckey Pee, his mother, or a woman that goes by that name? A No sir.

Q Was there any colored people living there on that creek, along Russell creek in the Cherokee Nation when you lived there in '66? A No sir there was no one there except our family either colored or white.

Q You were the only family, colored, white or Indians that lived on that creek then? A Yes sir. By the commission.

Q You moved on Russell creek in the spring of '66 and lived there until the fall of '66? A Yes sir.

Q You don't know if any colored people stayed there in the fall of '66 and stayed there until the winter of '66 and '67? A No sir I can't tell you what happened after I left there.

J. C. TROTT, being first duly sworn by the commission testified as follows on the part of the Cherokee Nation-

(By Davenport)

Q What is your name? A J. C. Trott.

Q Where do you live? A Here in Vinita.

Q How old are you? A 63.

Q How long have you lived in the Cherokee Nation? A Ever since '66.

Q Where did you live in the Cherokee Nation in '66? A On Russell creek.

Q What other family lived there on Russell creek in '66 except your family? A I don't know of anyone.

Q Were you up and down that creek any? A Yes sir.

Q What other houses were there then? A None.

Q When did you leave that section of the creek? A In the fall of '66.

Q Were there any colored people there in the fall of '66? A No sir.

Q Did you make any improvements there? A Built a house.

Q What became of it? A Sold it, in the fall and moved away.

Q Who did you sell it to? A I thought it was Denney, but some say Glenn is his name.

Q Have you been there since? A No sir.

Q Do you know of anyone else living on that place up there since you had it out and left? A I know of this Denny or Glenn.

Q Any one else? A No sir, I haven't been acquainted around there since I left.

Q Do you know Josh Vann? A I know him when I see him.

Q Did you know his mother? A No sir.

Q Did you ever see Josh Vann living up there? A No sir.

(By Mellette.)

Q You left Russell creek in the fall of '66? A Yes sir.

Q You don't know what colored people were there after you left? A No sir.

Q You don't know who was there in the fall and winter of '66 and '67?

A No sir.

LOUISA SPINGER being first duly sworn by the Commission testified as follows on the part of the Cherokee Nation:

(By Davenport.)

Q What is your name? A Louisa Stinger.

Q How old are you? A I will be 22 on the 22d of next May, will be 58 years old.

Q What is your post office? A San, Kansas.

Q How long have you lived in the Cherokee Nation? A Born and raised here.

Q What was your maiden name? A Morris.

Q Did you ever live on and about Russell creek, near Metopa? A Yes sir.

Q Did your parents live up there? A No sir.

Q What year did you move into that neighborhood? A Well I can't hardly tell the year, somewhere about '67.

Q What place did you move to when you moved there? A The old Glenn place we bought it from him.

Q Who originally made the place? A They claimed Mr. Trott made it.

Q How old were you when you moved there? A I was about 17 or 18 years old. I was married and had one child.

Q When you moved to the Glenn place there on Russell creek what other families lived there? A A man named Tom Fialda lived there close to the creek is all.

Q Was there any colored family there? A No sir.

Q Do you know Shockey Fee or Josh Vann her son? A I saw her, not personally acquainted with her.

Q Did you see her on Russell creek then? A No sir.

Q Did you ever know her to live there? A Yes sir a couple of years after I moved in there.

Q About what year do you think she moved in there? A Well I can't tell you the year.

Q She moved in there some time after you moved there? A Yes sir.

Q Did she build a house there? A I don't think so.

Q About how far were they living from you? A Half a mile northwest of where I live.

(By Mellette.)

Q Mrs. Stinger, you don't mean to say that there was nobody else living there when you went there on that creek in '67? A Yes there were some families living there then but she was not there.

Q Did you go up and down that creek to see who was living on it? A I lived there and knew.

Q And you can say positively that there were no colored people camped there around that creek anywhere? A To the best of my knowledge there wasn't any there.

Q You said a while ago that you could not tell the year exactly when you moved there, now you don't know if you was there in '67 or not do you? A I don't know just what year, I can't read or write and can't keep track of the years.

Q Now was it '66, '67, '68, or '69? A I don't know, I have a brother in law that knows and can tell you all about it.

Q You dont know if these people were camped somewhere on that creek or not do you? A Well I know I used to go up and down the creek hunting for wild unions and if they had been there I would have seen them.

Q Russell creek is six miles long isn't it? A No longer than that I guess.

Q How long do you think it is? A Over six miles I think.

Q How long do you think it is? A Seven miles I guess to the head.

Q Did you hunt wild unions from the head to the mouth? A No sir.

Q Then these people might have been there and you not see them? A There are others that never saw them there.

Q Is that the reason you say they were not there? A As far as I am concerned they were not there, I never saw them.

Q And you swear they were not there? A Not to my knowing.

Q You think colored people could not have been camped there and you not know it? A Yes they might have been in a holler log or something like that and we not know it.

Q How far out from the creek did you go hunting unions? A On the bank of the creek.

Q Suppose that they were camped half a mile from the creek, could you have seen them? A I might have.

Q All that country is called Russell creek for a mile or so away from the creek isn't it? A No sir, I dont think it is.

Q If you say a man lived on Russell creek, how far does he have to live from the creek? A Right on the banks of the creek.

Q Then if a man lived half a mile from the creek is is not living on Russell creek according to your idea? A No sir.

Q You say these people came there after you did? A Yes sir.

Q Where did you see them? A Half a mile from where I lived.

Q Where were they living? A In a shanty there.

Q How long after you came there did you see them? A Two years after I came there.

Q What year was that? A (No response)

Q How do you know it was two years? A To the best of my knowledge it was two years.

Q That is your opinion of yours? A I was living there two years before they came, I dont know the dates of the years and I can't answer that question, if I could I would.

Q You dont read or write and dont know the dates? A No sir, but I know one year from another.

(By Davenport.)

Q You know it was some time after you came there that they came there? A Yes sir.

WILLIAM H. NOBLE, being first duly sworn by the Commission, testified as follows for the Cherokee Nation:

(By Davenport.)

Q What is your name? A William H. Noble.

Q What is your age? A 51.

Q What is your post office? A Wana, Texas.

Q How long have you lived in the Cherokee Nation? A Ever since '66.

Q Where were you living in '66, in what part of the Cherokee Nation? A I came on Neosho river between the mouth of Fly and Cherry creeks in what was called Short creek, on the north side.

Q How far is that from where Ghatopa is now? A Two and a half miles.

Q Do you know a creek called Russell creek there? A Yes sir.

Q Were you on that creek any in '66? A Yes sir.

Q What did you see there on that creek then and who were living on in them? A In '66.

Q Yes sir, A Mr. Trott was there, he built the first house on the creek in the spring of '66.

Q Shows there any other houses built there that year if you know was not on that creek that year? A Yes sir.

Q Any other houses built there on Russell creek that year? A No sir.

Q And was any other houses built there, shanties or anything? A There was a shanty belonging to Oliver Morris, that was the next shanty built

- Q Was he any relation of Mrs. Stinger, who just testified? A Brother I think.
- Q Was that after the Trott house was built? A Yes sir.
- Q Was you on this creek in the winter of '66 and '77? A Yes sir.
- Q Were there any colored people there then? A No sir.
- Q Do you know Shockey Pee? A No sir.
- Q Do you know Josh Vann? A I don't know him, I have heard of him.
- Q How long did you live in that neighborhood? A Backwards and forwards on that creek from that time on until in the spring of '68, after '68 I went back on the creek every once and a while.
- Q Was you back there at that Trott place on Russell creek in '67 or '87? A Yes sir.
- Q Did you see any colored people there or any houses that were built there then? A No sir.
- Q When did you see any other shanties built there besides the Trott and Morris houses? Well it might have been in the summer of '68, but not before; I was back there every month or so then.
- Q You married a sister of Mrs. Stinger's? A Yes sir.
- Q Where was she living? A With Mrs. Donner.
- Q Where? A On Russell creek.
- Q In what house? A The Trott house.
- (By Hellette)
- Q How long has it been since 1866? A How long?
- Q Yes sir. A Well it has been a good many years; it has been 30 odd years I guess, I am not positive.
- Q How long has it been since 1866? A Yes up in 40 odd years.
- Q Forty how many years? A I can't tell exactly, unless I count it up.
- Q Take your pencil and figure out how much it is? A I can't figure how much it is, not much on figures anyway and then I haven't my glasses with me to see the figures after I make them.
- Q Well let's have it now, how much is it? A Six--this is 191--let's see, 44 years wouldn't it, I can't count it out right in my head.
- Q You were passing up and down that creek from the mouth to the head every month or two? A From '67 I was was, pretty near every month up and down there.
- Q Do you suppose that there might not have been a colored family stuck in behind some hill that you might not have seen the place, that you might not recollect having seen now at this time? A Not at that time, families were scarce then.
- Q Do you swear that they couldn't have been there? A No they couldn't.
- Q And you will swear that the family of Shockey Pee was not there in the winter of '66? A Yes sir I do.
- Q You are on your oath now, and do you swear that it has been 40 odd years since you were up there on Russell creek? A (No response.)
- Q It has been forty odd years, according to what you say, and do you swear that at no place on Russell creek in the winter of '66 was Shockey Pee there? A No sir she was not.
- Q Where were you living 35 years ago? A I believe I was living in Kansas then.

(By Davenport)

- Q You came from Kansas to the Territory? A Yes sir.
- Q What section of the Territory did you come to from Kansas? On Cabin creek.

(Witness William H. Noble here desires to make a correction in his testimony)

(By the commission)

- Q What is it you desire to say in regard to your former testimony? A I said 40 odd years, I was wrong, I got it in my mind wrong and spoke it wrong, it is 35 in place of 40. I came from Kansas to the Territory in '66 and I swear that it is 35 years from that time till now.

(By Mr. Smith of counsel for defendant)

Q By Smith?

Q How long do you say it was, 1871 or 1872?

Q How do you know? A It was 1871 and not 1872, that is 33 years, I said 33 and you say it is 32.

Q Didn't you say 33 years? A I don't believe I did, I might have.

Q And did you get to know it was 33 years? A I didn't get to know, I had it figured out before I left the store but did not know that I could correct it, and when I went down at the bar, Davidson told me that I could end as I was doing it.

Q Where were you when he was there? A I was in Louisville, Kentucky.

Q What month were you there? A I don't know, I don't know there.

Q What month did you get it? A I don't tell you, I have it at home.

Q You don't know how you got your discharge? A I don't tell it just that way.

Q When did the war close? A Closed in 1865, I don't speak that, you throwed me again there.

Q You were there, A No sir.

Q You don't know anything about the war? A That was the war I am talking about, Kansas to the Territory.

Q You don't give any other receipt but you say I was there I don't give me a other dates.

Q How long had the war been over when you came down from Kansas? A Two years, I had been discharged, I was there I was.

Q When you came here, two years after the war? A Yes sir, that I was discharged.

Q Well, you wasn't discharged until after the war, was you? A Yes sir.

Q You know that it was two or three years after you received your discharge that you came here? A Yes sir.

Q You didn't get to the Territory that until after I got here in 1871, I left home in March 1871.

Q Did you pass to Onatona before you came here? A Yes sir.

Q What was there? A Old Mr. Lyle lived there, and called it Onatona.

Q Was there any stores there? A It is still there yet, yes sir.

Q I asked if there were any stores there at that time? A Yes, charity.

Q Store? A Yes sir.

Q Did you ever get into any trouble there at Onatona before you came here with a man named Carol? A I don't think I did, I don't recollect the man, or the name.

Q Have you ever been arrested for anything? A Yes sir.

Q What? A Gattle stealing.

Q Where? A Here in the Territory.

Q What? A About 4 or 5 years ago.

Q Anything else? A I believe that was all, taken to Fort Smith before Judge Parker got it and the Grand Jury didn't find a bill against me.

Q Have you ever arrested before that? A I don't think I was.

Q You would be not to remember it is you had been wouldn't you? A If I was I don't know it.

This will also be filed and made a part of the record in Onatona Freedman doctored cases 1-10; 1-105; 1-106; 1-107; 1-108 and 1-109.

There you will find that on 11th March to the Commission to the Five Civilized Tribes he reported the above proceedings in full and that the foregoing is a true and complete transcript of his statement.

Chas. W. White

Subscribed and sworn to before me this 12th of October, 1904.



Commissioner

NOTICE!

IN THE MATTER OF the application of T. H. Robinson
for enrollment as Cherokee Freedmen:
Case No. F. D. 674

To T. H. Robinson, or to Hellette & Smith, his Attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 3rd, 1902.. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 26th, 1902.

L B Bell

*W. M. Hastings
Jas. Davenport*

Attorneys for the Cherokee Nation.

R

C.F.D-674

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION, in the
matter of the application of William H. Robinson for the enrollment
of himself, wife and children as Cherokee Freedmen.

Appearances:

Mr. Mellette, or Mellette & Smith, Vinita, I.T., attorneys
for the applicants;
W.W.Hastings, Attorney for the Cherokee Nation.

ELIZABETH DAVIS, being first duly sworn, and being examined
testified as follows:

BY MR. HASTINGS:

Q What is your name? A Elizabeth Davis.
Q What is your age, Mrs. Davis? A 57.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long has Fort Scott Kansas been your post office? A Since
'63.
Q You formerly lived in this country? A Yes sir.
Q Do you know a coloredman by the name of Mumford Robinson?
A Yes sir.

Q When did you learn to know him? A In 1863. He was at Fort
Scott, ~~where~~ when I left.
Q Did you continue to live there during the war? A Yes sir.
Q And after the war? A Yes sir, I lived up there right along.
Q Do you know his wife? A Yes sir.
Q What is her name? A Anna.
Q Do you know any of his children? A Yes, I knew his children.
Q You know any of their names? A Had one named Lizzie, and a
boy named William and one Jim and Tobe and Wesley, and I don't
know, he had a whole house full.
Q How long did you continue to know this family at Fort Scott,
Kansas? A I knew him from '63 down to the winter of '69.
Q Did you know them continuously? A Yes sir, they lived right
there; I was about two blocks away from them.
Q Did you have occasion to see them frequently? A Yes sir, I
saw them pass, they would have to pass my house to go to town.
Q You know where they went to from there or where they were gone?
A I don't know where they went to.
Q You know whether they had a house there or not? A Yes sir, they
owned their home there; they bought their house; I don't know
whether they bought a lot and built the house or whether they
bought the house, I couldn't say, it was just a frame building,
that was there when I left; I know they owned that and sold it.
Q You positive that they lived there until the fall or winter of
'69? A Yes sir, I am positive; how that is, Mrs. Runyan- her
father, Mr. Anthony died in July, 1869, and they was there then,
and in the fall the boys helped dig the potatoes and gather the
crop; him and his son Walter Runyan both died the same month, and
left the widow woman and the girls and she got these boys to gather
the crop.

BY MR. MELLETTE:

Q Are you a white woman? A Yes sir.
Q You are of white blood? A Yes sir.
Q You are not of Cherokee blood? A No sir.
Q This W. H. Robinson you have been talking about? A W.H. Robinson
is Mumford Robinson's son.
Q Where is Mumford Robinson? A I don't know.
Q Is he alive or dead? A I don't know.
Q When did you see him? A I haven't seen him since '69, or heard
of him.

Q You don't know whether the applicants here are the persons you knew in Fort Scott or not do you? A I knew that Mumford didn't, I knew that; I don't know whether these are them or not.

Q You don't know whether the Mumford Robinson they talked about in the testimony is the Mumford Robinson you knew at Fort Scott, do you? A I don't know, no sir.

Q Were you ever married? A Yes sir.

Q Married now? A No sir, I am a widow woman.

Q Who was your husband? A S.S. Davis.

Q Ever married half to any one else? A No sir.

Q Did you at one time live with a man named Alonzo Manley? A Nosir

Q You swear you didn't? A I swear I didn't live with him in the world. Lived with Alonzo Manley, what are you talking about?

Q I just asked you that question? A Well indeed I guess I didn't.

Q Did you know him? A Yes sir, I knew him.

Q Where did you know him? A I knew him from '63 until '70, along in '70's somewhere.

Q How long has it been since you saw Mumford Robinson? A '69.

Q How long has that been? A I don't know; I haven't counted it up.

Q Well try to count it up? A 32 years or 33.

Q Now can you remember back everyperson that you saw in '69, 32 years ago? A Well I could remember their names and remember seeing them.

Q Can you remember when you last saw everybody that you saw in '69?

A Yes, I can remember when I last saw them for I last saw them when they was gathering those potatoes; that is the last time I saw these boys.

Q You remember you saw Mumford Robinson dig potatoes in '69?

A I saw the two boys and their mother I told you.

Q Did they ever dig potatoes at any other time? A Not that I know of.

Q Why do you remember that was in '69? A These girls father died in '69 and it is there in the Bible.

Q Where is the Bible? A Mrs. Anthony's house; I know they dug potatoes at that time.

Q You didn't bring the Bible with you? A No sir.

Q Maybe that is like the Bible that was not made in '67? A Probably it is, but it is there and can be produced just the same.

Q You didn't bring it with you did you? A No sir.

Q When were you first asked about this matter? A I don't know; sometime in December I guess, or January.

Q Some time last January, is that the first time that you were asked about when you saw Mumford Robinson last? A Yes sir, that is the first time.

Q You never had this matter called to your attention until then?

A No sir.

Q That was nearly 32 years after you had seen him there that you were asked about it? A Yes sir.

Q And then 32 years after that you remembered back about the boys digging potatoes 32 years before? A Yes sir, I remember the family well, because when I first went to Fort Scott there wasn't very many.

Q How much did you get for coming down here? A I haven't got anything yet.

BY MR. HASTINGS: I object to that; it is insulting to the witness.

Q Who first asked you about this matter? A I don't know, I suppose the judge of the Cherokee Nation.

Q Who is it, what is his name? A Mr. Keyes.

Q Did he tell you he was the Judge of the Cherokee Nation? A No, he didn't tell me so.

Q What makes you call him Judge of the Cherokee Nation? A I have learned it since.

BY MR. HASTINGS: That is not proper cross-examination of this witness.

A I am going to tell you I knew Judge Keyes before the war; he

was in the army with my brother.

Q He is the man that came to you and asked you about them?

A Yes sir.

Q 32 years and nobody had ever called your attention to this fact before that time had they? A No sir.

Q Then you remembered backthere it was in '69 the boys dug potatoes for you? A They didn't dig for me at all, they dug for Mrs. Anthony

Q How many cases have you been a witness here in? A -

BY MR. HASTINGS: I submit this is not proper cross-examination, and I object to it.

BY COMMISSION: The objection will be noted; answer the question.

A How many have I? Three besides this I believe.

Q Who were they?

BY MR. HASTINGS: I submit that that is not proper cross-examination; I object to it.

BY COMMISSION: Objection noted; answer the question.

BY MR. MELLETTTE: I have got the right to ask questions touching the knowledge of this witness in the matter that brings her here.

A I think it was Mrs. Nancy Thompson, Mrs. Gales and the Alonzo Manley case.

Q How old did you say you are? A 57.

Q Were you married in '69? A No sir.

Q How long after that did you marry? A I married in '70.

Q What time in '70? A In March, 1871.

Q What day of March? A 13th of March.

Q Have you ever been married any more since that time? A No sir. My husband has been dead now three years.

BY MR. HASTINGS: I desire to introduce a certified copy of this contract. (Hands paper to Mr. Mellette.)

BY MR. MELLETTTE: I object to the introduction, because it does not show where Mumford Robinson lived at the time he made it, and it does not show that it is the Mumford Robinson that was mentioned in the testimony.

BY MR. HASTINGS: The representatives of the Cherokee Nation desire to call attention to the fact that it does say Mumford Robinson and Annie Robinson of the County of Bourbon, and State of Kansas.

BY COMMISSION: There is offered in evidence by the representative of the Cherokee Nation a Warranty Deed made by Mumford Robinson and Annie Robinson, his wife of the County of Bourbon, state of Kansas, on the 7th day of December 1869; same is filed herewith.

MINERVA RUNYON, being first duly sworn and being examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A Minerva Runyon.

Q What is your age? A 48, in my 48th year.

Q What is your post-office address? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A Well I lived there since 1862.

Q Do you know a coloredman up there by the name of Mumford Robinson?

Q I do sir.

Q Do you know his wife? A Yes sir.

Q What was her name? A Her name was Annie.

Q Did you know any of their family? A I do.

Q Name as many of them as you can remember now? A William, James, Alonzo, Patette, Tebe and Wesley, that was the boys in the family, and there was Elizabeth Jane and Mary and Martha and Melvina, then was the girls.

Q Who did Elizabeth Melvina marry? A I don't know.

Q Did you ever know one of them married Mr. Hill? A Yes sir.

P. D-574.

Department of the Interior,
Commission to the Five Civilized Tribes,
Mustang, I.T., May 27, 1903.

In the matter of the application of William H. Robinson for
enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-574.

APPEARANCES:

Mallett & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony
introduced by the Cherokee Nation in the case of Freedman Doubtful
No. 1, as well as in the case of Freedman Doubtful No. 2, be introduced
and made a part of the record in this case.

MR. SMITH: The applicant objects because the said testimony
now offered was not taken under any rule of this Commission with
reference to notice to the applicant or opportunity for cross-
examination. The applicant further objects because the same is
not the best evidence, because it is hearsay, and because it is
immaterial and does not tend to prove any issue in this case, and
because it is incompetent in the manner and form offered.

COMMISSIONER: This testimony will be filed with and made a
part of the record in the following Freedman cases: Martha M. Hill,
D-1014; Eva E. Anderson, D-688; Melvin Martin, D-687; Rebe Robinson,
D-686; Jessie A. Slaughter, D-687; in addition to the case at bar,
being that of William H. Robinson, D-574; also in the case of J. E.
Robinson, D-685. The applicants in the above named cases are re-
presented by Mallett & Smith.

Arthur G. Croninger, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported in full the testimony and proceedings in the above case, and
that the foregoing is a true and complete transcript of his steno-
graphic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 27th day of July, 1903.

(Seal)

John J. Butler
Notary Public

Q What was her name? A Mary Ann.

Q When did you first learn to know this family? A In '68 when I came there they was there.

Q Neighbors from '68 until '69 continuously? A Continuously, they might have been there a little longer than that, but that much any way.

Q How do you fix the date, Mrs. Nunyon, that you knew them? A Well I fix the date by father's death.

Q When did your father die? A Father died July 13th, 1869.

Q Do you know they were living there then? A They were living there then; he raised a little crop and these boys helped us children gather our potatoes, as much as I can remember it was Frank and Tebe.

Q How far did the family live from you? A They lived just the next, there was one lot, a fifty foot lot between us.

Q Was that vacant or did it have a house on it? A I think there was a house partly on it; there was quite a space between their lot and our lot.

Q You are a citizen of the State of Kansas? A Yes sir.

Q Don't claim citizenship down here? A No sir.

Q You came down here by a subpoena as a witness? A I did.

Q You knew the family well I suppose? A I knew the family well.

BY MR. MELLITT:

Q You are a white woman? A I am a white woman.

Q Did you say your age was 40? A My age is 48, in my 48th year.

Q Have you ever seen any of the Robinson family you are talking about since the time you saw them in Fort Scott? A I saw Mary Ann on the street in Fort Scott, Kansas.

Q They are colored people? A Yes sir.

Q How is it you remember the names of the children 32 years? A Because I played with them. We was children together and I played with them, I remember them distinctly.

Q Have you read the testimony given in this case since you came here, has it been read to you? A The testimony?

Q Yes, that they gave, giving the names of the children? A No sir.

Q Have you had the names called to your attention since you came here the names of these children? A I don't think I have.

Q You could remember the names of those children 32 years? A Indeed I could, every one of them.

Q You have remembered them that long? A I have remembered them that long.

Q How old were you when your father died? A I was a girl of about 15 years, 14 or 15 years.

Q And you remember the names of children 32 years you haven't seen since that time? A I do.

BY COMMISSION: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-677, D-686, D-687, D-689, D-937, D-939, D-942 and D-1018

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D. Green

Supl. C. D. #818. Freedmen *Ab 74, Wm. H. Robinson*

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright, to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

G. F. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A C. V. Rogers.
- Q Age? A 63 years old.
- Q Place of residence? A Cherokee.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been well? A All my life, a little over 63 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '66.
- Q Where did you come to? A Came to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Well what was your business? A After I came back.
- Q First A I followed freighting for something over three years.
- Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a freedman by the name of Moses Whitfire? A Yes, I know him.
- Q Where did he belong before the war? A He belonged in Cain, Snake District.
- Q Do you know what particular Whitfire he belonged to?
- A I don't remember whether he belonged to George Whitfire or Lee Whitfire.
- Q If you did see him when did you first see Moses Whitfire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '62. I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 25 wagons and I met them right on this side of the Neosho River; Dick Whitfire, Moses Whitfire and Aaron Whitfire and old Major Wright is all I knew in the outfit.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Rose passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they were going to? A They said they was moving back.
- Q Well this 25 or 30 wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well now that was where you say it was? A It was right on this side of the Neosho River, between the old Hudson place and Neosho River.
- Q How far from the Neosho River? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?

A I think the river is the line, about half a mile.

Q And how far is that from the Neosho river? A The Neosho is the line, way I understand it.

Q You had reference to where the military road crosses the Neosho river? A Yes, sir.

Q At Jack McLain's ferry? A They called it Hudson Ferry at that time.

Q Hudson lived there? A Yes, sir, in about a half mile.

Q And this Moses Whitacre you met and talked with is the same one you knew in Going Snake and belongs to the Whitacre family there?

A Yes, sir.

Q About how old a man was he when you met him? A He is an older man I think than I am.

Q And you saw other men with him you knew? A I think Aaron Whitacre and Moses Whitacre and old Major Wright is the old ones I know.

Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.

Q Do you know where this man Whitacre lives now, Moses Whitacre, you met?

A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

—000000000—

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. D. Reason.

Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers Commission on Citizenship," as follows:

"No. 25 Edward Wright
vs.
Cherokee Nation. (Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1872."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 29. Major Wright
vs.
Cherokee Nation. (Ex. June 7th. Statement filed
on the 25 of June.
1st July set, 1st Aug.
set for trial.

Judgment against claimant June 27th, 1872."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitliff on the 26th day of June, 1872, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1872," as follows:

"Before the Commission sitting at Tahlequah to say claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitliff

vs.

Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,

By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tanlequah to try rights to Cherokee citizenship.

In case of Moses Whitmire

vs

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,

Moses Whitmire.

June 26, 1878.

By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A." page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire)

vs)

Cherokee Nation.)

Tanlequah,

July 3, 1878.

Nike Fields a witness for claimant called and sworn.
I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven to before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 31st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Robber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Momo, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting houses. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Morokas Delegation. They were sore who come here were authorized by others to locate claims for them, one was by Mekey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Brushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I did not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.

His mk.

Aaron Whitmire

vs

Cherokee Nation,
called and sworn.

August 1, 1878.

Bluford Alberty, witness for claimant.

I reside in Coonescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coonescoowee District.

on the 2nd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Viridifris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Oathouses. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitire, and a younger brother and Lewis Whitire. There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitires were Johnson and George Whitire, Aaron, Lewis and his mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim Hoban had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river. I told him there was none there, but that there was a lot of condensed flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others who had remained in Kansas, to build them homes and so forth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I carried out at night. Did not see any of these parties after this time. May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitire with this party, but am not certain of seeing Dennis or Wilson. I know there was four of the Whitire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Albany.

Aaron Whitire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me here and still lives in my family. Jack Landrum was one of the band above referred to; also Parson Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at Hoban's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Albany but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that come with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Neigh, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Neigh and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Hosea Whitmire.
mark.

Aaron Whitmire & family)
vs)
Cherokee Nation.)

Page 63.
Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to on the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence. While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to sit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitmire,

By Atty Wm. P. Boudinot.

Aaron Whitmire

Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coowascondonee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I met him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Neige, Mike Sanders, Sam Padden, and Young Sam, Bill Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans. they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were that of their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas as I left them at Christmas or probably a few days before Christmas.

Cross examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time.

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were Lord who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman alone or not. I was positive there was no children as I never saw any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I got them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire

July 4th 1872.

Cherokee Nation.

Wm. McCracken for claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to doing Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:

Wm. McCracken.

D. L. Nicholson, Clerk.

Aaron Whitmire

vs.

Cherokee Nation.

Bluford Liberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arkansas.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 20 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling there he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools & until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1865 I gave claimant and other colored men permission to occupy my old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitire is the name of the other man, I also permitted to go on the old fields. The Spring of 1867 I saw Aaron and Louis Whitire at work on the two fields spoken of. This settlement of colored folks had the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people had a large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1865 saw this colored party who settled on Big Creek afterwards in the neighborhood for his purposes as they said at the time of collecting their homes. Several claims were then in sight of witness upon the colored party said they had selected and are now the homes of the party above indicated.

Aaron Jones was at the time advising said col party. A delegation from the Cherokee Nation at Washington. There were parties of witnesses learned from one of them who wished to travel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding his cattle. I travelled a good deal in that neighborhood at that time spoken of.

Continued on page 222.

Aaron Whitire et al July 12 1878.

vs John Riley,
Cherokee Nation.

Sworn as witness for Deft. I live in Cooperscombe Dist. I first moved there in 1859 and have continued to reside there except in time of war. I came back in the month of August 1865 to the Nation. I knew Aaron Whitire. He returned on Oct. 15 to the Washington River to live in the town of March 1867. Also came at the same time but I know Mike Sanders, Sam Fieber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Leachum. He had settled to other place before that.

Gross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who came in Sept. 1866 for that purpose. I know where Aaron Whitire lived at this time. I was near Goody's Bluff in Decr. 1866. I live on the west side of the river. Different tribes and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Bluff. Albany being in the part of the country. In 1866 in the party who came down in Sept. 1866, Aaron Whitire was not along but Mike Sanders, Sam Fieber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of him having had Major Wright for Nelson Whitire that I know of. He was upon earth and came down in Decr. 1866 I think certainly I would have known it.

John Riley.

Examiné Riley.

(Page 222)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this colored party told witness that they returned in March 1867 to the Nation.
Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 8th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went South during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. F. Alberty.

Attest

D. L. Nicholson,
Clerk.

Aaron Whitire)

vs)

Cherokee Nation.)

Tahlequah May 16, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1902.

Pruce C. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D. C., May 31, 1902.

In the matter of the application of PHILIP ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17809 filed in the Mariah Hayden case F D 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Wm. R. Robinson, D 674;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1865, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
William H. Robinson et al., as Cherokee Freedmen, consolidating the
applications of

William H. Robinson et al	Cherokee Freedmen D 674 ✓
Josie A. Slaughter et al	Cherokee Freedmen D 877 ✓
Tobe Robinson	D 886 ✓
Melvina Martin et al	D 887 ✓
Martha M. Hill et al	D 1018 ✓

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by William H. Robinson for himself and his minor children, James A., Jennetta, Charles S., Amanda E., John S., Ollie and William D. Robinson; the application also included his wife, Millie Robinson, who claims as a Cherokee freedman by intermarriage, but as the status of such claimants is not fixed at this time she is not embraced in this decision; by Josie A. Slaughter for herself and her minor daughter, Sadie Smith; by Tobe Robinson for himself, among others; the other parties to his application being differently classified are not embraced in this decision; by Sam Martin for his wife, Melvina Martin, and her minor children, Cora and Jesse Martin; subsequent to the date of his original application a birth affidavit was filed as to Allen Martin, another minor child of Melvina Martin, and the same is made a part of the record herein; and by Martha M. Hill for herself and her minor children, Luvada Martin, Annie Jones, Savannah Hill and Luther Daniels. Copies of the testimony taken at various times in the cases of Edward Wright, Cherokee Freedmen D 818, Sam Martin, et al., Cherokee Freedmen D 342, and Thomas Mayfield, Cherokee Freedmen D 200, are made a part of the record herein.

The evidence shows that the said William H. Robinson and Tobe Robinson, together with their parents, Mumford and Annie Robinson, were free colored persons residing in the Cherokee Nation at the commencement of the rebellion; that they went to Kansas during the rebellion and did not return to and establish their residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire trustee, vs. the Cherokee Nation et al., for the return of freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866 and are the respective descendants of and claim their rights to enrollment through Mumford Robinson and his wife, Annie Robinson, and William H. Robinson and his wife, Millie Robinson, the latter claiming only as a Cherokee freedman by intermarriage; and that such descendants have no greater rights to enrollment than the said ancestors through whom they claim. None of the applicants herein can be identified on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of William H. Robinson, James A. Robinson, Jennetta Robinson, Charles S. Robinson, Amanda E. Robinson, John S. Robinson, Ollie Robinson, William D. Robinson, Josie A. Slaughter, Sadie Smith, Tobe Robinson, Melvina Martin, Cora Martin, Jesse Martin, Allen Martin, Martha M. Hill, Luvada Martin, Annie Jones, Savannah Hill and Luther Daniels, as Cherokee freedmen, should be denied, under the provisions of section 31 of the act of Congress approved June 28, 1898 (30 Stats., 495) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(signed) Tams Bixby
Chairman.

(signed) C.R.Breckinridge
Commissioner.

(signed) T.B.Needles
Commissioner.

(signed) W.E.Stanley
Commissioner.

Muskogee, Indian Territory,
this March 11 1904.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of
William Henry Robinson, et. al., as Cherokee Freedmen, consolidating the
applications of:

William H. Robinson, et. al., Cherokee Freedman D- 674,
Julia A. Slaughter, et. al., Cherokee Freedman D- 677,
Tobe Robinson----- Cherokee Freedman D- 686,
Melvina Martin, et. al.,--- Cherokee Freedman D- 887,
Martha M. Hill, et. al.,--- Cherokee Freedman D-1018.

BRIEF AND ARGUMENT ON BEHALF OF ATTORNEYS FOR THE CHEROKEE
NATION.

In these cases which are consolidated and come under the
head of the case of William H. Robinson, et. al., Cherokee Freedman D-674,
the decision of the Commission of March 11th, 1904, a portion of which is
quoted in the brief of attorneys for applicants, show as stated in the
opinion as follows:

"The evidence shows that the said William H. Robinson
and Tobe Robinson, together with their parents, Mumford and
Annie Robinson, were free colored persons residing in the
Cherokee Nation at the commencement of the rebellion; that
they went to Kansas during the rebellion and did not return
to and establish their residence in the Cherokee Nation
within the time specified, in the decree of the Court
of Claims, rendered on February 3rd, 1896, in the case of
Moses Whitmire, trustee, et al., vs. the Cherokee Nation
et. al., for the return of freedmen to said Nation."

"It further appears that all the other applicants herein
were born since 1866 and are the respective descendants of
and claim their right to enrollment through Mumford Robinson
and his wife, Annie Robinson, and William H. Robinson and
his wife, Nellie Robinson, the latter claiming only as a
Cherokee Freedman by intermarriage; and that such descendants
have no greater rights to enrollment than the said ancestors
through whom they claim. None of the applicants herein can
be identified on the 1860 authenticated Cherokee roll."

Upon this advice by the Commission the attorneys for applicants lay
great stress and take occasion to refer to the argument of attorneys for
the Cherokee Nation by using the following language:

"One of the chief points as usual is that several witnesses named have testified in other Cherokee Freedmen applications and the much over-worked and ancient Cherokee General Brief is again resurrected and made to do service in a limping and senile fashion."

In reply to this reference of attorneys for applicants, the attorneys for the Cherokee Nation only desire to state that if weakness in the General Brief is as attorneys for applicants would attempt to show, it is very singular indeed that they would take occasion to use up about 3/4 of their brief referring to it. The attorneys for the Cherokee Nation contend that the decision of the Commission in this case is correct and should be affirmed by the Commission of Indian Affairs and the Secretary of the Interior for the reason that as heretofore argued the chief applicant in this case failed to show any familiarity whatever with the location of the country or the neutral lands which is now a part of Kansas. It does not require as contended by attorneys for applicant that a man should be a Civil Engineer to show knowledge of location and description of a country in which he lives; any one may be in a position to tell the location of the country without being a Civil Engineer, a linguist or a lawyer. The testimony clearly shows in this case that if applicant and those claiming under him were free negroes, they came from Arkansas to the Indian territory and went from the Cherokee Nation to the State of Kansas, where they remained until 1867 or 1868, and until long after the time to return to qualify under the Provisions of the Treaty of 1866, made with the Cherokee Nation and the United States Government. It is clearly shown by reputable testimony that they did not return in time to qualify under the Provisions of said Treaty. The attorneys for applicant take occasion to refer to the witnesses subpoenaed by the Cherokee Nation who were residents of the State of Kansas and who had resided in the localities where these Robinson negroes resided for several years. This has been thought best by attorneys for the Cherokee Nation in all cases where it was shown that applicants to citizenship in the Cherokee Nation had gone from the Cherokee Nation during the war and who were claiming that they returned within the time to qualify under the Provisions of said Treaty; one of the reasons being that they were parties who had no

interest whatever in the outcome of the application, either for applicant or for the Cherokee Nation. Witnesses of this character are always more reliable than witnesses who have an interest in the case--That applicants themselves are interested, is clearly shown at every stage of the application, and the attorneys for applicant not only represents that before the Commission and file a brief ~~about~~ almost monthly, if not to say, semi-monthly, and we are called upon to read another brief prepared by the attorneys for applicant and in most instances submit a brief similar to the one which we are now replying to, fraught with grammatical expressions and of pettifogging criticism of the argument of the attorneys for the Cherokee Nation, and without advancing any substantial testimony to refute the facts found by the Commission to be true. As the Commission had the record before it when it rendered its decision, we do not deem it necessary to now say what the evidence in this case is, but take it for granted that the Hon. Commissioner of Indian Affairs and the Hon. Secretary of the Interior, will, when they go to review the decision of the Commission, consider the record in its entirety.

The record in this case shows the character of the witnesses examined by the applicant and those claiming under him, as well as by the Cherokee Nation, and the criticism of witnesses of the Cherokee Nation by the attorneys for the applicants are such criticisms and of such a nature as would show any reasonable thinking mind that ~~what~~ the attorneys for the applicants were lacking in power to argue and present the facts in the record, or by reason of the facts presented in the record, were driven to desperation and must necessarily resort to critical and unjustified abuse of the witnesses without any record or facts to support their action. We do not know from what fertile imagination the attorneys for applicants use the expression when they say: "One of the witnesses brought from Kansas by the Cherokee Nation was a standing witness for the Cherokee Nation in at least four cases, was an old time acquaintance of Judge Keyes, one of the attorneys of the Cherokee Nation, and the exact amount she received for testifying is not disclosed."

In answer to this statement it is respectfully submitted by the attorneys for the Cherokee Nation that Judge Keyes is not at present nor has he been since April 1st, 1901, one of the attorneys for the Cherokee Nation in making the Freedmen roll. Judge Keyes has acted in the capacity of a Marshal or Constable serving process on witnesses, and this is the only capacity in which he has acted during the time the rolls were being made by the Commission to the Five Civilized Tribes. As to the expression used by counsel above quoted that "the exact amount she received for testifying is not disclosed", the representatives of the Cherokee Nation know not what counsel for applicants mean, or to what they refer--It is an insinuation without the foundation, and only such an insinuation as would arise in the mind of a man who had been in the habit of paying witnesses to tell that which was not true, or had been in the habit of associating with men who had been paying witnesses to swear, as it could not arise in this case from the testimony adduced nor could any inference be drawn from the testimony in this case that any witness for the Cherokee Nation had been paid other than the compensation allowed witnesses to testify. Therefore, we dismiss it with a mere suggestion that we defy counsel for applicants to show in any instance where the Cherokee Nation or any one representing the Cherokee Nation, has at any time, at any place or under any circumstances, offered, paid or attempted to offer or pay any witness to come before the Commission and testify at any time for greater fees than those allowed witnesses, by law.

As to the extremity which necessitated the Cherokee Nation calling Colonel L. B. Bell as ^awitness, we dismiss that argument with the suggestion that it is a child's play and only such a child's play as is introduced by a disgruntled and weakley person who knows no argument other than a childish fancy when disappointed. We do not desire to discuss the challenge laid down by attorneys for applicants, but prefer to use the milder and better legal phrase in calling attention to a certain fact, or suggesting what the record shows. The word "^{challenge}Cherokee" in its English interpretation having been handed down to us, has a significance of "brave".

Therefore, while it probably causes a thrill of excitement and shudder of fear to pass through the nervous system of the attorneys for the Cherokee Nation, we feel that it will not in any way affect the Honorable Commission of Indian Affairs or the Secretary of the Interior in their decision upon a review of this case from the Commission to the Five Civilized Tribes.

As to the importance of Congress making provision for the payment of fees to witnesses, we care not to discuss this proposition, as we think that Congress in its wisdom provided sufficiently for procuring the attendance of all witnesses before the Commission, and that all that is necessary to procure the attendance of witnesses before the Commission is to go to the Commission and secure from it a subpoena and have it served on the party desired as the witness and pay him his legal compensation of Per-Diem and mileage. In no instance where this has been done has a party ever failed to procure his witnesses.

Sympathy is sought to be invoked by attorneys for applicant by referring to the negroes or colored persons as being ignorant and uneducated--This is not born out by the record that the negroes are ignorant; they may possibly be uneducated, but the record of this Commission will show, as well as your records and of the United States Supreme Court, that these negroes have been represented before the Courts and Commission by able attorneys, men who were learned in the law, and competent to manage any business entrusted to their care. It will further show however, that these negroes have discharged some of those attorneys and employed other and additional counsel not heretofore in the case, whether from a stand point of being uneducated or ignorance, I do not know, but if we are to accept the argument of the attorneys Blue & Bulger, who are now representing the applicant herein, we may at least conclude that it was through ignorance.

We desire to say in reply to the suggestion made in the brief of attorneys for applicant, that the negroes could readily prove their claims

by Cherokee Citizens inter-married white or white persons in sympathy with the Cherokee Nation, that this is an ^{unfounded} ~~inferred~~ statement to insinuate that such was the case, because attorneys for applicants in this case know that they have brought before the Commission Cherokees by blood who went upon the witness stand willingly and testified for freedmen and in no way whatever sought to refuse to testify to the facts, and we respectfully call attention of the Department to the testimony of G. W. Clarke, in the case of Racheal Martin, where he testified for her son John Towers. This suggestion of attorneys for applicant is another unfounded statement by way of insinuation, when they well know it is not the truth as disclosed by this record or any other record before the Commission, and when they well knew it was presented for no other purpose than to try to prejudice the Commission of Indian Affairs and the Secretary of the Interior in behalf of these negroes, as against the Cherokee Nation. Attorneys for applicant go on to discuss the question of the doctrine of equitable estoppel, and refer to payment of money paid out under the Kern-Clifton Roll. This of course, would be argument were it not for the fact that the Act of Congress directing the Commission to the Five Civilized Tribes to make the roll in ^{strict} ~~direct~~ compliance with the Court of Claims, in the case where Moses Whitmire, was Trustee for the Freedmen, and did not make any reference whatever to Kern-Clifton Roll, or any other roll by which the Commission to the Five Civilized Tribes were to be governed. Whether or not it was for want of information on the part of the attorneys for applicants, or whether they had plenty of time to write the brief, which caused them to go in to this phase of the case, we know not, but we certainly insist that it must have been because of the fact that they had plenty of time, they did it, for no one familiar with the law authorizing the making of the Freedmen Roll by the Commission would have wasted the time attempting to impose upon any officer of the Government whose duty it was to supervise the making of a roll under a specific law, by trying to influence them to adhere to something which had no binding force upon any one.

We respectfully submit that the decision of the Commission in the cases herein named are right and should be confirmed by the Commissioner of Indian Affairs and the Secretary of the Interior.

Respectfully submitted,

J. B. Bell
Wm. H. Hailings
James P. Smith
Attorneys for the Cherokee
Nation.

_____, of lawful age being duly sworn on his oath states that on the _____ day of _____ 1905, he registered to Blue & Bulger, attorneys for applicant herein named, a true and perfect copy of the brief and argument above set forth on the register receipt hereto attached for a letter which contained a copy of the brief.

Subscribed and sworn to before me this _____ day of _____ 1905.

My commission expires _____

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as Cherokee Freedmen of William H. Robinson, James A. Robinson, Jennetta Robinson (now Jennetta Rogers), Charles S. Robinson, Amanda E. Robinson, John S. Robinson, Ollie Robinson, and William D. Robinson.

Cherokee Freedman R-624.

In the matter of the application for the enrollment as Cherokee Freedman of Josie A. Slaughter and Sadie Smith.

Cherokee Freedman R-623.

In the matter of the application for the enrollment as a Cherokee Freedman of Eva E. Anderson.

Cherokee Freedman D-889.

.....
To the Honorable Secretary of the Interior, and the Honorable Commissioner to the Five Civilized Tribes:

Now comes the above named applicants, William H. Robinson, James A. Robinson, Jennetta Robinson, (now Jennetta Rogers), Charles S. Robinson, Amanda E. Robinson, John S. Robinson, Ollie Robinson, William D. Robinson, Josie A. Slaughter, Sadie Smith, and Eva E. Anderson, by Soper, Huckleberry & Owen, their attorneys, and respectfully move that the above entitled causes, wherein decisions denying said applications for enrollment have heretofore been rendered, be reopened, and that said applicants be permitted to introduce further evidence of their right to enrollment as Cherokee Freedmen, and that the the decisions heretofore rendered therein, as aforesaid, be reconsidered, for the following reasons:

These applicants have discovered new evidence touching the residence of the Robinson family, particularly Mumford Robinson and William H. Robinson, in the Indian Territory, which evidence was not heretofore available to

them by reason of the fact that none of these applicants were aware that the witnesses hereinafter referred to could give any testimony touching the material facts in this case.

Said newly discovered evidence which these applicants desire an opportunity to introduce, will consist of the testimony of -

CORNELIUS BACON, who will testify that he is a resident of Nowata, Indian Territory, and that he visited said Mumford Robinson and his family, on the Robinson place in the Cherokee Nation, Indian Territory, during the Spring of the year 1867. The affidavit of said Cornelius Robinson is hereto attached, marked "Exhibit A", and is and his testimony will be, flatly contradictory of the witness who testifies that Mumford Robinson and his family resided in Fort Scott, Kansas, until 1869.

LEM PARIS, who will testify that he was a soldier in the War of the Rebellion, and that in July, 1865, he was discharge, and arrived at his father's house in August, 1865, that his father was then living on the Captain Clark place, near Fort Scott, Kansas, and that Mumford Robinson and his family were then living on the same farm. The affidavit of said Lem Paris is hereto attached and marked "Exhibit B", and is, and his testimony will be, directly contradictory of the witnesses who testify that the Robinson Family lived within two blocks of them, within the city of Fort Scott, Kansas, from 1863 to 1869. Said Lem Paris will further testify that during the Spring of 1867 William H. Robinson, one of the applicants herein, was working upon a road from Big Cabin Creek to Pryor Creek, Indian Territory, and that in 1868 he visited the Robinson claim, near Big Cabin Creek, and found the same to be in such a state of cultivation as indicated that at least one crop had been raised on the land.

Moses Holt, who will testify that he is a resident of Fort Scott, Kansas, 60 years of age; that he was personally acquainted with Mumford Robinson and his family; that they were colored people, and resided in Fort Scott, Kansas, within one or two blocks of his own residence; that he frequently visited their home; that they moved to Captain Clark's place, immediately south of Fort Scott, in 1865; that in the early part of 1866 he worked in a stone quarry with Mumford Robinson, getting out stone for the Boardman County jail; that soon after this, and during the spring or summer of 1866, Mumford Robinson left Kansas for the Indian Territory, and that the witness has never seen or heard of his returning to the state. The affidavit of said Moses Holt is hereto attached, marked "Exhibit C", and gives the names of the parties who resided in the home of Mumford Robinson after he vacated it, within the city of Fort Scott.

ANDY JOHNSON, who will testify that he is a resident of Fort Scott, Kansas, 56 years of age; that he was personally acquainted with Mumford Robinson, and met him in the summer of 1865, at the time he was farming on Captain Clark's place, south of Fort Scott; that he knew said Mumford Robinson until the early part of 1866, when he left for the Cherokee Nation, as the witness understood, Said witness will further testify that he never met Mumford Robinson after he left for the Cherokee Nation in the early part of 1866, and that he is positive that said Mumford Robinson never resided in or about Fort Scott, Kansas, after the year 1866. The affidavit of said Andy Johnson is hereto attached, marked "Exhibit D".

J. F. RICHARDS, who will testify that he is a resident of Bourbon Count, Kansas; that he knew Mumford Robinson in 1866; that Mumford Robinson left Fort Scott, Kansas, about May, 1866, to the best of his knowledge, and that the witness has never seen or hear of said Mumford Robinson having a permanent residence in Fort Scott, since that time. The affidavit of said J. F. Richards is hereto attached marked "Exhibit E".

Said applicants further state that they have been unable to find any direct evidence or testimony touching the reason why the deed executed by Mumford Robinson to his place in Fort Scott, Kansas, in 1862, recites that he is a resident of Bourbon County, Kansas, but that they will introduce evidence showing that at that time Mumford Robinson, and many other persons residing in the Northern part of the Cherokee Nation, went to Fort Scott to purchase all of their supplies; that at that time the railroad had not been built, and that Mumford Robinson in all probability sold this place during one of his trips to Fort Scott, and the residence noted in said deed simply followed the location of the land.

Your petitioners further show that upon former /the hearing of their cases they used the utmost diligence to present their case in its entirety but were unable at that time to obtain the evidence herewith referred to, and that knowledge of the same has but recently come to them.

WHEREFORE said applicants respectfully pray that the record in the matter of their applications for enrollment may be returned from the Department of the Interior to the Commissioner to the Five Civilized Tribes, with instructions that said causes be reopened, and that these applicants be permitted to introduce said newly discovered evidence, and that the adverse decisions heretofore rendered therein may

be reconsidered, to the end that justice may be done.

Respectfully submitted,

(Signed) Soper, Huckleberry & Owen,
Attorneys for Applicants.

EXHIBIT "A"

United States of America,
Indian Territory,
Northern District.

:
:
:

Cornelius Bacon, of lawful age, being first duly sworn, on his oath says; that his post-office address is Nowata, Indian Territory, that he is 67 years of age; that he resided in the town of Nowata and vicinity since 1868; that for one year prior to that time I lived on Grand River & Cabin Creek, Cherokee Nation, Ind. Ter., that I came to the Cherokee Nation in the year 1867, and located on Grand River and lived there and on Cabin Creek until the Spring of 1868, and on the 8th day of April, 1868, I came to the Martin Thompson place about 6 miles east of Nowata, Ind. Ter., and have resided in that place and Nowata and vicinity ever since said time.

I knew William H. Robinson on Cabin Creek in the year 1867, and visited him at his home a number of times during that year. I came from the Chickasha Nation to Cabin Creek and Grand River in the year 1867, and William H. Robinson was living on Cabin Creek, Cherokee Nation, at that time, and I visited him, William H. Robinson, as above stated at his home in the Cherokee Nation a number of times during said year 1867. The reason that I know the above facts is because my master, Harvey Bacon, liberated me in the Spring of 1866, and I came from the Chickasha Nation to the Cherokee Nation the next year, and when I arrived at Lee Schrimpscher's place on Cabin Creek, Cherokee Nation, I found William H. Robinson located there and living in about one mile of Lee Schrimpscher's place.

Cornelius XhisBacon
mark

Witnesses to mark of Cornelius Bacon -

J. A. Tillotson,
J. L. McMahon

Subscribed and sworn to before me this 19th day of June, 1906.

R. C. Cauthorn,
Notary Public.

My Com. ex 2-11-07

Exhibit "B"

A F F I D A V I T

UNITED STATES OF AMERICA)
INDIAN TERRITORY) ss
WESTERN JUDICIAL DISTRICT)

Lem Paris, being first duly sworn deposes and says: I am a citizen of the Cherokee Nation by blood, and am fifty-seven years of age, and reside at Chelsea, Indian Territory. I am personally acquainted with William H. Robinson, and knew his father Mumford Robinson. I first met Mumford Robinson and his family in August 1865. They were residing on a farm near Ft. Scott, Kansas. I was discharged from Company "E" 14 Kansas, in July 1865, and arrived at my father's house in August 1865. He was then living on the Captain Clark farm near Ft. Scott, Kansas, and Mumford Robinson and family were living on the same farm.

I remained there two or three months, and then came to the Indian Territory. I do not know the exact date the Robinson family came to the Indian Territory. Some time during the Spring of 1867, I was at Prior Creek, Indian Territory, when Blue Alberty and others were laying out a road from the head of Big Cabin Creek to Pryor Creek, Indian Territory, and I understood at that time that William H. Robinson was one of the persons assisting in making that road.

I did not meet him personally at that time/ but understood that his family was making a claim near the Schrimpsier farm on Big Cabin Creek. Some time during the year 1868, I saw this claim which I afterwards learned was the Robinson claim. At the time I first saw it, in 1868, there had been a small tract of land cleared in the bottom, and put in cultivation,

COPY.

my best recollection is that there had been at lease one crop raised on the land.

The Robison family are colored people. I am a Cherokee Citizen by blood, and are not related in any way to any member of the family, and have no interest whatever in their claim.

The dates referred to herein are from my best recollection, and I fixed the time that I first knew the family from the date of my discharge, which I now have and from my recollection that I immediately went to my father's home after my discharge.

(Signed) Lem Paris

Subscribed and sworn to before me this 20th, day of June 1906.

Mattie Ault,

My Commission expires, March 7th, 1910.

Notary Public.

Notarial Seal.

State of Kansas)
Bourbon County) ss

Moses Holt, being duly sworn says:- I am 60 years of age, of African descent and have resided in Fort Scott, Kansas most all of the time since the year 1862. I left Fort Scott in 1863 returning in 1865, and have lived here continually since that time. They were colored people and his family lived in Fort Scott, within one or two blocks of me. I frequently visited at their house up to the time they moved from Fort Scott in 1865. They moved at that time to the Captain Clark farm immediately South of Fort Scott. During the early part of the year 1866 I worked in a Stone Quarry with Mumford Robinson in getting out stone for the Bourbon County Jail. Soon after this and during the Spring or Summer of 1866 Mumford Robinson left this Country for the Indian Territory and I have never seen or heard of his returning to this State. After he moved to the Captain Clark farm a woman by the name of Jersua Sanders lived in the Robinson House in Fort Scott which adjoined the property owned by Mr. Anthony. There were other families that lived in this property besides Mrs. Sanders but I cannot now recall their names. I am no relation to any of the Robinson Family and have no interest in their affairs or claims in the Cherokee nation.

(Signed) ^{his} Moses I Holt
mark

WITNESS

W.F. Otheck.

Subscribed and sworn to before me a Notary public this
18th, day of June in the year 1906.

W. F. Otheck.

My Commission expires the 18th day of January 1908. Notary public.

Notarial Seal.

State of Kansas)
Bourbon County) ss

Andy Johnson, of lawful age, being duly sworn, deposes and says that he is 56 years of age, that he came to Fort Scott, Kansas in the summer of 1865, and has lived in Fort Scott, every since, that he was personally acquainted with Mumford Robinson ^{him} that he met the first time in the Summer of 1865, at that time he was farming on the Captain Clark farm South of Fort Scott that he knew him up until the early part of 1866 when he left for the Nation as I understood.

Affiant states that he never met Mumford Robinson after he left for the Nation in the early part of 1866 and is positive that he never resided here after the year 1866.

Affiant further states that the said Mumford Robinson prior to his leaving herein the early part of 1866 owned 2 lots in the City of Fort Scott which were located on corner of second and Walker Streets, there was a small house in the above described property but the property was never occupied by Mumford Robinson, the said property was occupied by one Jursua Sanders a mulatto woman. I am no relation to any of the Robinson family and have no interest in their affairs or claims in the Cherokee Nation.

Signed Andrew Johnson.

Subscribed and sworn to before me a Notary Public, this 18th day of June in the year 1906.

W.F. Otheck,

Notary public.

My Commission expires January 12th, 1906.

EXHIBIT E.

Statement of J. F. Richards.

State of Kansas }
Bourbon County } ss

J. F. Richards, being first duly sworn, on his oath says;
That he is 63 years old, and that he knew Mumford Robinson in
the early part of 1866, and that Mumford Robinson left Fort
Scott in about May, 1866, to the best of his knowledge, and th
that he has never seen him or heard of his having a permanent
resident in Fort Scott since that time. J. F. Richards, says he
also knew the oldest boy William, but that he didn't know any
of the rest of the children.

Signed J. F. Richards.

Subscribed and sworn to before me this 26th, day of May,
1906.

Grace E. Stoner,

Notary Public.

My Commission expires, on the 25th, day of February 1907.

Notarial Seal.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of William H. Robinson, et al., as Cherokee freedmen, Cherokee Freedmen R 624.

In the matter of the motion for a rehearing of the application for the enrollment of Jessie A. Slaughter, et al., as Cherokee freedmen, Cherokee Freedmen R 623.

In the matter of the application for the enrollment as a Cherokee Freedman of Eva K. Anderson, Cherokee Freedmen D 889.

Motion to Dismiss.

Comes now the Cherokee Nation and respectfully moves the Commissioner to the Five Civilized Tribes to dismiss the motion for a rehearing filed on behalf of the above named applicants, and for grounds says:

That the records show that a copy of said motion was served upon the attorneys for the Cherokee Nation on the 26th day of October, 1906, and the records further show that the applicants were denied by the Commission on March 11, 1904, and the decision of the Commission to the Five Civilized Tribes, denying the applicants, was affirmed by the Department on March 22, 1906, and this motion to reopen was not served upon the attorneys for the Cherokee Nation until October 26, 1906.

Section 1 of the Act of Congress, approved April 26, 1906 (Public No. 129), provides:

no motion to reopen or reconsider any citizenship case in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the passage date of the order or decision sought to be reconsidered, except as to decision made prior to the passage of this act, in which cases such motion shall be made within sixty days after the passage of this act;

Now, no motion can be properly filed with the Commissioner to the Five Civilized Tribes without a sufficient showing of service upon the attorney for the opposite party and therefore no motion can be properly filed with the Commissioner to the Five Civilized Tribes under all the previous rulings of the Department unless it is first shown that service of a copy of said motion has been had upon the representative of the Cherokee Nation, and under the law hereinabove quoted, inasmuch as the decision of the Secretary of the Interior, affirming the decision of the

Commissioner to the Five Civilized Tribes, was prior to the passage of the Act, service had to be had upon the representative of the Nation and the motion filed within sixty days after April 26, 1906, whereas the records show that the service was not had, and therefore the motion could not be legally filed under the rules of the Department, until October 26, 1906, or exactly six months after the passage and approval of the Act of April 26, 1906.

For these reasons we move to dismiss the motion filed on behalf of the above named applicants to reopen said case.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

11/14/06

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE NINE CIVILIZED TRIBES.

In the matter of the motion for a rehearing of the application for the enrollment of William H. Robinson, et al., as Cherokee Freedmen, Cherokee Freedmen R 624.

In the matter of the motion for a rehearing of the application for the enrollment of Jessie A. Slaughter, et al., as Cherokee freedmen, Cherokee Freedmen R 623.

In the matter of the application for the enrollment as a Cherokee Freedmen of Eva N. Anderson, Cherokee Freedmen D 629.

Reply of the Cherokee Nation.

Comes now the representative of the Cherokee Nation and, without waiving the motion to dismiss the motion to reopen this case, but insisting upon the same, and insisting that the same should be sustained, yet in the event that the same is not sustained by the Department, and only in that event the following reply is submitted to the motion filed on behalf of applicants for a rehearing in this case.

The record in the case shows that these applicants were denied by the unanimous vote of the Commission on March 11, 1904, and the record further shows that the decision denying the applicants was affirmed by the Secretary of the Interior on March 2, 1906. The letter of the Department goes into the facts in the case at some length and indicates an agreement with the brief heretofore filed on behalf of the Cherokee Nation to the effect that the applicants were not entitled upon two grounds:

- First. That they were not free colored persons residing in the Cherokee Nation at the commencement of the War of the Rebellion, and,
- Second. That they did not return to the Cherokee Nation within the time prescribed by the Treaty.

Upon both of these grounds that Department found on March 2, 1906:

"The finding of the Commission that some of the applicants were free colored persons residing in the Cherokee Nation before the Rebellion is based upon very little and indirect testimony, and the Department is not prepared to concur in such conclusion, but it finds that the Commission was warranted in finding that the applicants who claim to have returned from Kansas in 1866 did not do so. The testimony for the claimants, to say the least, is vague in material particulars. It is not specific as to the residence of the principal applicants, who claim to have been in the nation in 1866, when some of the witnesses allege they saw them there, and for several years subsequent thereto.

If such claimants were residing in the nation from the middle of 1866, as alleged by William H. Robinson, the oldest of the applicants and the main interested witness for himself and the other applicants, until the latter part of 1869, during which time it is asserted by the nation they were in Kansas, some testimony might easily have been produced showing their occupancy and means of livelihood during that time. This was not attempted to any extent, nor has any effort been made to contradict the positive definite testimony of the witnesses submitted by the nation. If the principal applicants in question were not residing in Fort Scott, Kansas, until about the latter part of 1869, that was easy to prove.

No explanation is made concerning deed for land in Kansas, in which it is stated that Mumford Robinson and his wife were 'of the county of Bourbon, State of Kansas.

A rehearing as to Gera Martin was granted by departmental letter to you of November 11, 1905. Finding no reason to disturb your decision as to the other applicants, it is hereby affirmed so far as they are concerned."

By reference to the original testimony it will be seen that the applicants introduced on their behalf Lewis Whitmire and Harry Still, and testimony has been introduced in a great number of cases to the effect that the Whitmires, while the returned as individuals in the fall of 1866, did not remove with their families until about the first of March, 1867, and this voluminous testimony is introduced in the case of Edward Wright or Derriek, F. D. 818. The Department has also found in the case of Daniel Whitmire, F. D. 434, Luella Snaden, F. D. 987, and George Neigs, F. D. 394, that the Whitmires, which includes the witness Lewis Whitmire, in this case, also known as Lewis Wright, did not return to the Cherokee Nation until the Spring of 1867 with their families and that, therefore, he and his nephew Harry Still could not have known what they attempted to testify to before the Commission. The next witness, Fillmore Hicks, was a standing witness on behalf of applicants, is shown to have received compensation regularly for testifying in their behalf, and our general brief shows that he testified in 41 freedmen doubtful cases. The next witness on their behalf, William Foreman, admits that he charged these applicants \$125 for testifying before the Kern-Glifton Commission in 1896, and was therefore in the habit of testifying for pay.

Now as against this testimony the Cherokee Nation sent to Kansas and procured two witnesses, Mrs. Elizabeth Davis and Minerva Runyan, who testified that they knew Mumford Robinson and family, and they gave the names of the children in Fort Scott, Kansas, from 1862 or '3 until 1869.

Mrs. Davis says that she learned to know them in 1863; she knew

their children and gave the names of many of them; she says she continued to know them until 1869 and in answer to this question:

"Q. Did you know them continuously? A. Yes sir, they lived right there; I was about two blocks away from them."

"Q. Did you have occasion to see them frequently? A. Yes, sir, I saw them pass; they would have to pass my house to go to town."

Further on she stated:

"Q. Did you know whether they had a house there or not? A. Yes, sir, they owned their home there; they bought their house; I don't know whether they bought a lot and built the house or whether they bought the house, I couldn't say; it was just a frame house that was there when I left; I know that they owned that and sold it."

"Q. You are positive that they lived there until the fall or winter of 1869? A. Yes, sir, I am positive; how that is, Mrs. Runyan-----her father, Mr. Anthony died in July 1869, and they was there then, and in the fall the boys helped dig potatoes and gather the crop; him and his son, Walter Runyan both died in the same month and left the widow woman and the girls and she got these boys to gather the crop."

Minerva Runyon testified that she knew them in Fort Scott, Kansas, and she gives the names of all of the members of the family, and she knew the one that married Mr. Hill. Her testimony is so conclusive and convincing that she knew the members of the family that there can be no question about it. In answer to this question she said:

"Q. When did you first learn to know this family? A. In 1862, when I came there they was there."

"Q. Neighbors from '62 until '69 continuously? A. Continuously, they might have been there a little longer than that, but that much anyway."

"Q. How do you fix the date Mrs. Runyon, that you knew them? A. Well I fix the date by father's death."

"Q. When did your father die? A. Father died July 13, 1869."

"Q. Do you know they were living there then? A. They were living there then; he raised a little crop and these boys helped us children to gather our potatoes, as much as I can remember it was Frank and Tobe."

"Q. How far did the family live from you? A. They lived just the next, there was one lot, a fifty foot lot between us."

When we take it into consideration that the testimony of these two women is corroborated by the deed of Huxford Robinson and his wife, showing that they did own property in Fort Scott, Kansas, we feel justified in saying that the Department should refuse the motion to reopen filed in this case.

But lets examine the motion. In the first place no diligence whatever is shown in the motion. While the motion is made upon the grounds of newly discovered evidence, and while it is asserted that the applicants were not aware that the witnesses would swear the things referred to in the motion, yet that is entirely insufficient because in order to entitle a party to a new trial on the grounds of newly discovered evidence the

affidavit in the case must show:

First, the names of witnesses whose testimony has been discovered and the facts expected to be established by them.

Second, facts and circumstances sufficient to prove that the applicant has used due diligence in preparing his case for trial.

Third, that the facts and circumstances newly discovered have come to his knowledge since the trial and are such as if adduced on the trial would have been competent to prove the issue.

Fourth, that the evidence discovered is not cumulative of that previously relied on and will tend to prove material facts which were not put directly in issue on the trial.

The leading case upon this question, passing upon the requisites of a motion for a new trial by the Supreme Court of Arkansas is that of *Burris vs. Wise*, " Ark. 33, and the foot notes to this decision have collected practically all subsequent cases passed upon by the Supreme Court of Arkansas to the present date, and fully sustain the above contention.

The courts have held in numerous cases that it is not sufficient to allege that the applicants were not aware of the testimony of the witnesses that they intend to introduce at a subsequent trial, but that they must actually set up in their motion what diligence if any was used in the search of witnesses so that the Court might pass upon the question of diligence. In the case of *Bourland vs. Skinney*, 11 Ark. 67, the question of newly discovered evidence is discussed at length by the Court and upon the question of due diligence it was held that it was not sufficient to state in the motion that due diligence was used, but the motion must state what was done for or on behalf of the party for whom the motion was made, so that the Court might judge as to whether or not due diligence was used or what diligence was used. This is a very elaborate opinion, quoting a number of authorities in support of it and it seems to us decides the points exactly contended for by us to the effect that no diligence whatever has been shown in the motion. In support of our contention we desire to cite 13 Ark. 360; 17 Ark. 403; 25 Ark. 89; 25 Ark. 334; 25 Ark. 380; 25 Ark. 121; 30 Ark. 724; 36 Ark. 514; 38 Ark. 120; 35 Ark. 312; 60 Ark. 481.

In Cherokee Allotment Contest case No. 712, decided by the Commissioner to the Five Civilized Tribes on June 6, 1906, the Commissioner held:

"The rule is general that a new trial or rehearing will not be granted on a mere showing that new evidence has been discovered. Newly discovered evidence in order to be sufficient must possess the following requisites:

- (a) It must be such as would probably change the result if a new trial is granted.
- (b) It must be discovered since the trial.
- (c) It must be such as could not have been discovered before the trial by the exercise of due diligence.
- (d) It must be material to the issues.
- (e) It must not be merely cumulative to the former evidence.
- (f) It must not be merely impeaching or contradicting the former evidence."

And in support of the holding there was cited the following:

"In motions for a rehearing resting on newly discovered evidence it should be shown that said evidence could not have been discovered by due diligence, and the facts showing such diligence should appear." *Moore vs. Larney*, Creek No. 49. 6 L. D. 9; 7 L. D. 126; 10 L. D. 483; 13 L. D. 31; 19 L. D. 543.

But the testimony which is desired to be submitted, if submitted, would not change the result of this case, because in the first place the Cherokee Nation contends and the Department in its letter hereinabove quoted, indicates an inclination to agree with the Cherokee Nation's contentions, that there is no sufficient showing whatever that these applicants were free colored persons residing in the Cherokee Nation at the commencement of the war of the rebellion. Now if they had been residing in the Cherokee Nation at the commencement of the War that would have been easy to establish and, as observed by the Department, if they had been residing in the Cherokee Nation in 1860 it would have been easy to establish by positive proof. The first witness, Cornelius Bacon, is a freedman and it will be noted that he signs the affidavit by an ex mark, which shows of course that he is ignorant and uneducated, and therefore but little weight could be given to his testimony as to the date of the happening of events some 40 years ago, but even he does not attempt to see the principal applicant in this case until the year 1867. Now much weight is based in the motion to reopen upon the statement of Lem Paris, whose affidavit is attached, but when his statement is critically examined it will be noted that he claimed to have seen Blue Alberty and others laying out a road "from the head of Big Creek to Prior Creek, Indian

Territory, and I understand at that time that William H. Robinson was one of the persons assisting in making that road. I did not meet him personally at that time, etc." It will be noted that Lem Paris nowhere throughout his affidavit ever does fix the time when he personally remembers of having seen the Robinsons in the Cherokee Nation. This is the most remarkable affidavit for evasion that has ever been filed in a freedmen case. He saw them in Fort Scott, Kansas, in 1865, and Blue Alberty was laying out the road in 1867, in Indian Territory, but it will be noted that he only "understood," and did not see William H. Robinson in the Cherokee Nation at that time. Lem Paris, the witness, afterwards understands that he was making a claim upon Cabin Creek, but he did not see that, nor does he state when he ever saw any of the Robinson family thereafter in the Cherokee Nation. What a remarkable affidavit!

Moses Holt, the next witness who makes an affidavit, is a colored person and signs by ex mark, and it will be found that he was an applicant himself in the Cherokee Nation. This witness applied on October 21, 1901, to be admitted to citizenship in the Cherokee Nation as a freedman citizen, and he swears in his own application, in answer to the question:

"Q. Have you been living here continuously since? A. No, sir, went to Arkansas and come back in 1864 or '5 and stayed here until 1867."

This was in reference to his residence in the Cherokee Nation and will be found in his case, Freedmen Rejected 185, which was affirmed by the Department on June 9, 1904. Now, in his affidavit he testifies:

"I left Fort Scott in 1863, returning in 1865, and have lived here continuously since that time."

Further on in his affidavit he says:

"During the early part of 1866 I worked in a stone quarry with Mumford Robinson, getting out stone for the Bourbon County jail."

Later on he says that Mumford Robinson left that country in 1866.

Compare this statement with his own statement, and we are satisfied the Department will see what little weight should be given to his testimony.

The next witness, Andrew Johnson, is unknown to the representative of the Cherokee Nation, but his statement cannot be true in the light of the testimony of Mrs. Elizabeth Davis and Minerva Runyon, and also the deed made by Mumford Robinson and his wife to town property in Fort Scott,

Kansas, in 1869. And the same is true of the statement made by J. F. Richards.

Suppose the testimony of Richards and Andy Johnson were introduced as against the statements heretofore introduced by Mrs. Elizabeth Davis and Mrs. Runyon, together with the explanation as to the deed made by Mumford Robinson and his wife. We submit that the Department would be compelled under the testimony then to reject the applicants.

The applicants have had some two or three years to search the country for testimony to offset or refute the statements of Mrs. Davis and Mrs. Runyon and the record testimony introduced, and certainly no motion ought to be allowed upon insinulative testimony or negative testimony, and we submit in this motion to reopen there is no testimony of any kind of any witness which is to the effect that they saw these applicants in the Cherokee Nation within the time prescribed by the treaty of 1866, namely, before February 11, 1867. The affidavits are as indefinite as the original testimony and no attempt is made to show that the record testimony is untrue.

Attention is also invited to the fact that in a number of other cases which rely upon the same testimony, they have been rejected by the Department, and attention is invited to the case of Tobe Robinson, F. D. 686, a half brother of William H. Robinson, and a son of Mumford Robinson, and in whose case exactly the same testimony was filed as was in this one, and this case was rejected on March 11, 1904, by the Commission and affirmed by the Department on March 2, 1906, and no motion has been filed to reopen said case. The same is true of Melvina Martin, a half sister of William H. Robinson, who was rejected by the Commission and affirmed by the Department March 2, 1906, and no motion filed to reopen as to her although there was as to some Martin children claiming through their father.

The same is true of William H. Hill, F. D. 937, a nephew of the principal applicant in this case, and Hayes Hill, F. D. 939, and James Hill, F. D. 942, and Martha M. Hill, a sister of the principal applicant in this case, F. D. 1018.

We respectfully submit that in the first place these applicants are

not entitled to be enrolled:

First. Because they were not free colored persons residing in the Cherokee Nation at the beginning of the war.

Second. Because it is not shown that they returned to the Cherokee Nation within the time prescribed by the treaty of 1866.

And the motion filed herein to reopen this case should be denied:

First. Because it was not filed within the time prescribed by the act of April 26, 1906.

Second. Because no diligence whatever has been shown in attempting to procure the witnesses claimed to have been newly discovered.

Third. Because even if the case were reopened and remanded, and the testimony of the witnesses introduced it would not change the result, and the Department would be compelled to deny them upon the testimony.

Fourth. There is no merit in the case.

In order that a full comment may be at hand upon the testimony, attached to this answer is a copy of our brief heretofore filed in this case.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

11/14/06

In the Department of the Interior,

Washington.

In the matter of the application for the enrollment of William Henry Robinson et al consolidating the applications of of

William Henry Robinson et al Cher Freed D 674
Jessie A. Slaughter Cher Freed D 677
Tobe Robinson, Cher Freed D 686,
Melvina Robinson et al (Martin) C.FD 887,
Martha M. Hill et al- Cher Freed D 1018.

(Referring to I. T. D. 5122-1904)

Argument in Behalf of the Cherokee Nation.

The applicants in these consolidated cases claim Freedmen citizenship in the Cherokee Nation by virtue of the fact that they were free colored persons residing in the Cherokee Nation at the commencement of the war of the rebellion and that they returned to the Cherokee Nation as provided in the 9th Article of the Treaty of 1866.

Whereas the Cherokee Nation contends in the first place that they never were free colored persons residing in the Cherokee Nation prior to the late war nor did they return to the Cherokee Nation within the time prescribed by the treaty and therefore that the decision of the Commission to the Five Civilized Tribes denying the applications of these people for enrollment should be affirmed by the Honorable Secretary of the Interior.

THE TESTIMONY, On Part OF APPLICANTS.

The Testimony of William H. Robinson, himself the oldest of the applicants, shows that he is not at all familiar with the topography of the country, because he claims to have lived on Beattie's prairie, in the Cherokee Nation, near the Neutral Lands in Kansas when it is a well known Historical fact that Beattie's Prairie is about six miles southwest of the Southwest corner of the State of Missouri or some seventy miles or more from the nearest point of the Neutral lands of Kansas, or the Neutral land strip in Kansas.

His testimony does not show any familiarity with the old citizens of the Cherokee Nation; but he does admit that his father was Mumford Robinson and his mother was named Anna Robinson; that he has a brother by the

name of Tobe. He claims to have gone to Fort Scott Kansas during the war, and like all other Freedmen applicants, claims, of course, to have returned in the year of 1866.

LEWIS WHITMIRE. His first witness, Lewis Whitmire, claims to be sixty-two years of age, did not know the applicants before the war but does locate them in Fort Scott, Kansas during the war. He further testifies that he saw the applicants in the Cherokee Nation and one of them in ~~the winter of 1866.~~ ~~1866~~ X

There was introduced in this case by the Cherokee Nation the testimony in the case of Edward Wright F. D. 818 which contains the testimony of this same Lewis Whitmire and other members of the Whitmire family before the Chambers court in 1878 where this witness Lewis Whitmire testified himself that he himself did not return until the early Spring of 1867. This testimony is now introduced for the purpose of showing that

the witness Lewis Whitmire was not himself back here at the time he now testifies that he was back in the Cherokee Nation and to show of course

THAT HE NEVER SAW THE APPLICANTS AT THE TIME ABOUT WHICH HE TESTIFIES.

On page 58 of our General Freedmen brief we show where this witness has testified in 30 Freedmen Doubtful and Rejected cases. See also page 111 of said brief.

HARRY STILL The next witness is Harry Still. The Commission knows that he is a notoriously disreputable witness. He has appeared before the Commission in a half drunken condition a very great number of times. He is an applicant for enrollment before the Commission and his application has been denied by the Commission in Cherokee Freedman case Number 876 and the Department in its letter upon his case agrees with the Commission that he did not return in time and only today have we written an argument in behalf of the Cherokee nation against a motion to reopen his case where the records of the Commission completely, convincingly and conclusively shows that he wilfully made a false statement as to the proceedings before the Commission. He has been a standing witness before the Commission, followed the Commission from place to place and testified in a great number of cases and in fact in all cases where he could with profit. He is the same witness referred to in our General Freedmen brief at page 106 and since the preparation of this brief he has continued to be a standing witness and has continued to testify in every case where an applicant would permit him regardless of what he knew about it. He testifies that he knew the principal applicant in this case in 1862 on the Neutral Land in

Kansas. Of course he states that he saw them in the winter of 1866. At first he saw them in the winter and later on in his testimony it will be noted that he worked with the brother of applicant in the summer of 1866 on Snow Creek, in the Cherokee nation, then it has been clearly shown by the investigation of of the Freedmen cases wherein applicants claimed to have returned to Snow Creek that there was not a Freedman place on Snow Creek earlier than 1869. Our General Freedmen Brief shows that at the time of its preparation this same Harry Still gave his testimony in thirty-nine Doubtful and Rejected Freedmen cases and we believe we would be safe in saying that he has testified in even a greater number since that time.. See our General Freedmen brief page 87.

FILLMORE HICKS. The next witness introduced is a half negro by the name of Fillmore Hicks who testifies that the first time he knew the applicant was in January 1867. Now it has been shown in our General Brief also that this same Fillmore Hicks was another standing witness before the Commission to the Five Civilized Tribes. This witness Hicks is shown in our General Freedman brief at page 85 to have testified in forty-one Freedmen Doubtful cases and on page 96 of our General Freedmen brief we refer to this same Hicks testifying in the Aaron Martin case F. D. 235, wherein he admitted that he received a mule for testifying for the applicant. He was impeached in the George Thompson case F. D. 858 and in the Thomas Mayfield case F. D. 200. He is so clearly unworthy of belief that the Commission had no hesitancy in setting aside his testimony as it evidently did the testimony of Harry Still.

WILLIAM (Y. H.) FOREMAN (See Freedmen Genl Brief pages 84 and 85.)

William Foreman never knew the applicants until 1862 and that was on Cabin Creek in the Cherokee nation. It will be noted that he is the only witness that ever saw them in the Cherokee Nation prior to the war and later on in his testimony he admits that they claim to have come from Arkansas. To say that this notoriously disreputable witness made a business of testifying for applicants for gain is only putting it lightly. The testimony in this case shows that he charged these applicants \$125.00 to testify for them before the Wern Clifton Commission in 1896. While it wasn't improper to have paid this witness his expenses to and from the

Commission and while there yet he admits that he only lived thirty miles from where he went and it was only necessary for him to have been gone only one day but what lends suspicion to his whole testimony is that he contends th t he had to follow the Commission around from place to place to watch a plicants case and to see that they were protected.

On page 84 of our general Freedmen brief we show wherein this same witness had testified at that time in nineteen Freedmen Doubtful cases and we called attention to the disreputable practice of this witness making a business of charging Freedmen applicants. On page 93 of our General Freedmen Brief we cite the particular cases wherein he has been contradicted. Of course the members of the Commission soon find out who are disreputable witnesses. They are brought face to face with them daily and when the Freedmen a plicant goes to bringing in witnesses of this Character a general suspicion is aroused that he had a fraudulent case or he would not resort to the use of disreputable witnesses.

We appreciate the fact that the Department is not thrown in touch with the witnesses, that it can not know the topography of the country and therefore the testimony of all witnesses is given the same weight and unless it is shown by the record why they should be disregarded and disbelieved and for this reason we have called the attention of the Department to the record made by these several witnesses..

It will be noted that not one single witness appears and testifies that he knew the applicants prior to the war to be a permanent bona fide resident of the Cherokee nation. Robinson himself knows nothing of his whereabouts and he can not definitely locate himself in the Cherokee Nation prior to the war.

WITNESSES FOR THE CHEROKEE NATION.

The Cherokee Nation sent to Fort Scott, Kansas and brought two reputable citizens of that state before the Commission. These witnesses were people of the highest standing in Kansas and were entirely disinterested. Both of them testify that they knew Mumford Robinson and his wife Anna R. Robinson. They testify that they knew the members of the family and they go into details and tell the names of the different children. They tell exactly where they lived in Fort Scott, Kansas. They testify that they lived there until the fall of 1869. That they owned a home there and that

each of them lived as neighbors to these applicants.

It is astonishing how correct these witnesses Mrs Davis and Mrs Runyan are, in giving in their testimony. Mrs Runyan testified that only one fifty foot lot was between their residence and that of the applicants. Neither of these witnesses are contradicted but upon the other hand one of the applicants admit that they lived in Ft Scott Kansas and their witnesses testified that the applicants during the war lived in Fort Scott, Kansas and the witnesses on part of the Cherokee Nation swear positively that they lived there until 1869. There is nothing in the record which would throw the slightest suspicion over the witnesses introduced on part of the Cherokee Nation. They do not come of their own accord. They are not citizens of the Cherokee Nation and they inconvenience themselves to come down and testify at the request of the Representatives of the Cherokee Nation in order that the truth might be developed.

These witnesses say that they saw these applicants from day to day as they did their other neighbors and they insist that they could not be mistaken and we submit that in the light of the history of the applicants witnesses that it was the duty of the Commission to reject these applicants and that the statements of applicants witnesses should be rejected in ~~taxxxx~~ toto.

We contend that even if the Cherokee Nation had not introduced any testimony that the testimony on part of applicants themselves is too vague and unsatisfactory upon which to admit the applicants. If they were free colored persons residing within the limits of the Cherokee Nation before the war this could be shown by direct and positive testimony and their exact whereabouts prior to the war could be shown and there would be no reason for applicants to evade the truth but the ~~xxxxxxxx~~ close examination of the testimony upon this point to a person acquainted with the topography of the country a very unsatisfactory account of their whereabouts. It will be noted that Robinson knew none of his neighbors; he located none of the farms about him and he evidently knew nothing of the country before the war and it is probably possible that he passed through the country from Arkansas to Ft Scott Kansas but they certainly never had anything like a permanent residence within the limits of the Cherokee Nation.

We submit that these applicants should be denied upon both grounds:

First, That they were not free colored persons residing in the Cherokee Nation prior to the war:

Second, That the testimony shows they did not return to the Cherokee Nation prior to 1869, too late to qualify under the treaty of 1866.

Respectfully,

W W Hastings
Attorney for the Cherokee Nation.

Mapleton Kans.

May, 12, 1902

Mr. Bell,

Markoe J. S.

Dear Sir: In regard to your inquiry as to where Charley Pea went from here. He went to the "Neutral Strip". We testified that his wife died in 1867. We were both intimately acquainted with him all the time he lived here. We also knew Josh Vanna. He was Sucker Pea's son by his young master, Col Vann Tim the nation.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-674 et al.

Muskogee, Indian Territory, March 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of William H. Robinson et al., rejecting the applications for the enrollment of William H., James A., Jennetta, Charles S., Amanda E., John S. Ollie and William D. Robinson, Josie A. Slaughter, Sadie Smith, Tobe Robinson, Melvina, Cora, Jesse and Allen Martin, Martha M. Hill, Luvada Martin, Annie Jones, Savannah Hill and Luther Daniels as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

Enc. D-7.

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-674-677-686
887-1018.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 12, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

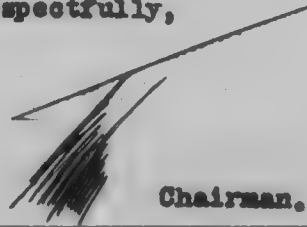
In the matter of the applications for the enrollment of William H. Robinson, et al, as Cherokee Freedmen, consolidating Cherokee Freedmen D-674, William H. Robinson et al; D-677, Jessie A. Slaughter et al; D-686 Tobe Robinson; D-687, Melvina Martin et al; D-1018, Martha M. Hill, et al, you are advised that the Commission is in receipt of Departmental letter of July 1, directing that the parties concerned be given an opportunity to file argument in this case.

You are therefore hereby advised that you will be allowed thirty days from date hereof, within which to file with the Commission for transmission to the Secretary of the Interior, such argument as you may desire to submit in this case, a copy of which argument you will be required to furnish the principal applicant in each of the cases above named. You are also advised that in accordance with the Department's letter of recent date in the case of Walker Johnson, you should furnish this applicant's attorneys, Edgar Smith and Louis T. Brown, Vinita, Indian Territory, a copy of your argument.

-2-

For your information there is herewith enclosed a copy
of the Department's letter above mentioned.

Respectfully,

A handwritten signature, possibly "J. Edgar Hoover", written in dark ink. The signature is slanted upwards to the right and consists of several connected strokes.

Chairman.

Encl. S-41.

D.C. 8777-1906

(C O P Y)

Y.P.
LLB

I.T.D. 5122-1906

DEPARTMENT OF THE INTERIOR

2532-1906

WASHINGTON.

2296-1906

L R S

March 2, 1906

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 20, 1904, the Indian Office submitted the Cherokee freedman case arising out of the applications of Williams H. Robinson for himself and seven minor children, James Aurelius, Jennetta, Charles S., Amanda Elizabeth, John Savannah, Ollie, and William Dewey Robinson; of Josie Ann Slaughter for herself and her minor daughter, Sadie Smith; by Tobe Robinson for himself; by Melvina Martin for herself and her minor children, Cora, Jesse and Allen Martin; and by Martha M. Hill for herself and her four minor children, Lavada Martin, Annie Jones, Savannah Hill, and Luther Daniels, and recommended that the decision of the Commission to the Five Civilized Tribes of March 11, 1904, adverse to the applicants, be reversed.

The attorneys for the Cherokee nation and the claimants have had due opportunity to be heard upon this recommendation and have filed arguments.

The Commission found that William H. Robinson and Tobe Robinson, together with their parents, Mumford and Annie Robinson

were free colored persons residing in the Cherokee Nation at the commencement of the rebellion; that they went to Kansas during the rebellion and did not return to and establish their residence in the nation within the time specified in the decree of the Court of Claims rendered on February 23, 1896, in the case of Moses Whitmire, trustee, etc., vs., The Cherokee Nation et al., for the return of Freedmen to the nation; that all the other applicants were born since 1866, and are the respective descendants of, and claim their rights to enrollment through, Mumford Robinson and his wife, Annie Robinson, and William H. Robinson and his wife, Millie Robinson, and that such persons have no greater rights to enrollment than the said ancestors through whom they claim.

The names of most of the applicants are found upon the Kern-Clifton and Wallace rolls, and not on the 1880 roll.

The Indian office merely stated that certain witnesses for the claimants testified that Mumford Robinson and his family returned to the Cherokee Nation prior to February 11, 1867, and that certain witnesses for the Cherokee Nation testified that Robinson and family lived in Kansas from 1863 to 1869. A deed for land in Bourbon County, Kansas, by Mumford Robinson and his wife, executed December 7, 1867, was also mentioned. The nation contends that the witnesses for the applicants are disreputable and not worthy of belief.

The finding of the Commission, that some of the applicants were free colored persons residing in the Cherokee Nation before the rebellion, is based upon very little and indirect testimony, and the Department is not prepared to concur in such conclusion, but it finds that the Commission was warranted in finding that the applicants who claim to have returned from Kansas in 1866 did not do so. The testimony for the claimants, to say the least, is vague in material particulars. It is not specific as to the residence of the principal applicants, who claim to have been in the nation in 1866, when some of the witnesses allege they saw them there, and for several years subsequent thereto.

If such claimants were residing in the nation from the middle of 1866, as alleged by William H. Robinson, the oldest of the applicants and the main interested witness for himself and the other applicants, until the latter part of 1869, during which time it is asserted by the nation they were in Kansas, some testimony might easily have been produced showing their occupancy and means of livelihood during that time. This was not attempted to any extent, nor has any effort been made to contradict the positive definite testimony of the witnesses submitted by the nation. If the principal applicants in question were not residing in Fort Scott, Kansas, until about the latter part of 1869, that was easy to prove.

No explanation is made concerning deed for land in Kansas, in which it is stated that Mumford Robinson and his wife were "of the county of Bourbon, State of Kansas.

A rehearing as to Gora Martin was granted by departmental letter to you of November 11, 1905. Finding no reason to disturb your decision as to the other applicants, it is hereby affirmed so far as they are concerned.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. B. WICKKINDORF

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Doh

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-674.

Muskogee, Indian Territory, March 16, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of March 8, 1905, inclosing, for transmission to the Secretary of the Interior, brief in the matter of the application for the enrollment of William H. Robinson, et al. as Cherokee freedmen.

You are advised that said brief has this day been forwarded to the Department.

Respectfully,



Chairman.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-674, et al.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 9, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the applications of William H. Robinson, et al., for enrollment as Cherokee freedmen.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Incl. S-35

LAND
1894-1904
1904-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

-609-

February 6, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Kirby, dated January 7, 1907, transmitting a notice for rehearing of the Cherokee Freedmen case of William H. Robinson, et al., filed with the Commissioner on June 21, 1906.

The Commissioner says that on November 14, 1906, the attorney for the Cherokee Nation filed a motion to dismiss the motion for rehearing, for the reason that a copy thereof was not served on him until October 26, 1906. A reply of the Cherokee Nation was filed on the same day, wherein the Nation insists on the motion to dismiss the motion for rehearing and, not moving the motion to dismiss, protests against the motion for rehearing being granted. Both of the motions filed on the part of the Nation are enclosed.

The decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, respecting, among others, the application of William H. Robinson for the enrollment of himself and children, James A., Jonathan, Charles H., Amanda E., John G., Ellie and

William B. Robinson, and of Josie A. Slaughter for the enrollment of herself and Sadie Smith, as Cherokee freedmen, was affirmed by the Department on March 2, 1906 (K. T. R. 8122-1906, 2828-1906, 1194-1906). In its decision the Department in part said:

"The finding of the Commission, that some of the applicants were free colored persons residing in the Cherokee Nation before the rebellion, is based upon very little and indirect testimony, and the Department is not prepared to concur in such conclusion, but it finds that the Commission was warranted in finding that the applicants who claim to have returned from Kansas in 1866 did not do so. The testimony for the claimants, to say the least, is vague in material particulars. It is not specific as to the residence of the principal applicants, who claim to have been in the Nation in 1866, when some of the witnesses allege they saw them there, and for several years subsequent thereto".

"If such claimants were residing in the Nation from the middle of 1866, as alleged by William B. Robinson, the eldest of the applicants and the main interested witness for himself and the other applicants, until the latter part of 1899, during which time it is asserted by the Nation they were in Kansas, some testimony might easily have been produced showing their co-existence and means of livelihood during that time. This was not attempted to any extent, nor has any effort been made to contradict the positive definite testimony of the witnesses submitted by the Nation. If the principal applicants in question were not residing in Fort Scott, Kansas, until about the latter part of 1866, that was easy to prove".

"No explanation is made concerning a deed for land in Kansas, in which it is stated that Sumner Robinson and his wife were of the county of Bourbon, State of Kansas".

The action herein is supported by the affidavits of Cornelius Bacon, who says that he visited William B. Robinson, the principal applicant, at his home a number of times during

1897; of Edm Ferris, who says that he does not know the exact date the Robinson family came to the Indian Territory; that he understood that William H. Robinson was one of the persons assisting in laying out a road from the head of Big Cabin Creek to Fryer Creek, Indian Territory; that he understood Robinson's family was making a claim near the Schrimper farm on Big Cabin Creek, and that sometime during the year 1896 he saw this claim which he afterwards learned was the Robinson claim; of Henson Hall, who says that Hiram Robinson, father of William H. Robinson, and his family left Fort Scott, Kansas, during the spring or summer of 1896, and that he has never seen or heard of him in that vicinity since; of Andy Johnson, who says that Hiram Robinson left Fort Scott, Kansas, in the early part of 1896, and that he has never seen him in that vicinity since; and of J. E. Richard, who says that Hiram Robinson left Fort Scott, Kansas, in about May, 1896, to the best of his knowledge, and that he has never seen him or heard of his having a permanent residence in Fort Scott since that time.

Relative to the deed executed by Hiram Robinson to his place in Fort Scott in 1898, wherein it was recited that he is a resident of Bourbon County, Kansas, it is alleged in the motion that the applicants have been unable to find any direct evidence or testimony in explanation thereof.

The attention of the Department is invited to the fact that not one of the affiants in his affidavit alleges that the principal applicant in this case, through whom all the others claim, returned to the Cherokee Nation prior to February 11, 1867, and that they do not say that they even knew when William H. Robinson returned to the Cherokee Nation. There appears to be no showing of a desire to introduce testimony as to whether William H. Robinson was a slave of a Cherokee citizen or a free colored person residing in the Nation at the commencement of the war of the rebellion.

In view of these facts, it is recommended that the petition be denied.

The case of Eva H. (Ellen) Anderson is not included in the case of William H. Robinson, et al., but the record therein is now in this Office and will be forwarded for Departmental consideration at an early date.

Very respectfully,

G. P. Larrabee,

Acting Commissioner.

AJW:HE

(COPY)

Y. P.

D. C. 2707-1907.
L. S. D. 2200-1907.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

THE
February 12, 1907.

SIR

Sir,

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir

The notice for rehearing received with your letter of January 7, 1907, in the Cherokee Freedmen case of William K. Robinson, et al., is denied, in accordance with the recommendations contained in your letter and in the letter of the Indian Office of February 4, 1907 (Land 2941-07), submitting your report.

Even if a prima facie case for further investigation had been made by the notice, the Department would not be warranted in ordering a rehearing in view of the provision in the second section of the act of April 26, 1906 (34 Stat., 137), relative to the completion of the rolls of the Cherokee Nation.

A copy of the Indian Office letter is inclosed. The papers in the matter have been sent to that office.

Respectfully,

THEO. SPAN

First Assistant Secretary.

1 inclosure.
Carbon copy sent
El Inc. for Ind. Of.
AMS
2-12-07

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.R.
624 et al.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 7, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

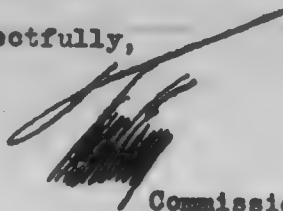
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing, filed June 21, 1906, by Soper, Huckleberry & Owen, Muskogee, Indian Territory, in the matter of the application for the enrollment of William H. Robinson, et al., as Cherokee freedmen, was denied by the Secretary of the Interior February 12, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,



Commissioner.

Enc I-220

RPI

Cynthia Lynch
Ruth Lynch

Both know that

W.H. Robinson in 1866 &
for years after lived west
of Chetopa, Kansas.

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ATTORNEYS

L. & SELL

W. W. HASTINGS

J. E. DAVENPORT

J. C. SPARK, CHICAGO

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D. 674

VINITA, IND. TER.

180

Mrs. Minerva Ranges

Mrs. Elizabeth Davis

Received from Mrs. M. J. Robinson
1870 in Ft. Smith, Ark.

Don't file it -

Cher Fr D 675

Cher Fr D 675

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T. June 11th 1901.

In the matter of the application of Tyre H. Finley for the enrollment of his wife Eva L. Finley and their two children as Cherokee freedmen; she being sworn by Commissioner R. S. Beaman, Assistant C. R. Breckinridge, testified as follows:

- Q What is your name? A. Tyre H. Finley.
Q How old are you? A. 35.
Q What is your post office? A. Vinita.
Q In what district do you live? A. Delaware.
Q Do you want to be enrolled as a Cherokee Freedman? A. I make application for my wife.
Q Are you a Cherokee freedman? A. No sir.
Q You are a state man are you? A. Yes sir.
Q Have you any children? A. Yes sir two.
Q Of this wife? A. Yes sir.
Q Give me your wife's name? A. Eva L. Finley.
Q How old is your wife? A. 27.
Q When did you marry her? A. In March 1888.
Q Have you a certificate of your marriage? A. Yes sir, it will be here on the next mail.
Q Was your wife ever married before she married you? A. No sir.
Q Give me the name of her father? A. Tom Daniels.
Q Is he dead? A. Yes sir.
Q How long has he been dead? A. I don't know, sir.
Q Give me the name of your wife's mother? A. Golia Daniels.
Q The applicant who was just on the stand? A. Yes sir.
Q She is named Kirkpatrick now is she? A. Yes sir.
Q Where was your wife born? A. In Grand River.
Q Where did you marry her? A. Vinita.
Q Have you lived in the Cherokee Nation ever since your marriage, and with her? A. Yes sir.
Q Do you know where your wife was from the time of her birth until you married her? A. No sir.
Q How long did you know her before you married her? A. In 27
Q Give me the names of your children? (Hands out a list of names)
Q Your oldest one is named Haydee is it? A. Yes sir.
Q That child was born on the 20th of December, 1889, is that right?
A Yes sir.
Q Next one is Frank? A. Yes sir.
Q That one was born the 7th of this month? A. Yes sir.
Q These children are living now? A. Yes sir.

Applicant's wife not on the 1888, 1890 rolls of the Cherokee Nation.

Kern Clifton roll examined and applicant's wife found as follows:
Page 135 No. 3861 Eva Daniels, Seawsonobowee district.

By Gen'l Breckinridge-

The applicant applies for the enrollment of his wife and two children; he is a man citizen, married in March of 1888, and makes no application for himself. His wife is identified on the Kern Clifton roll but not on the rolls of 1888 or 1890; she is 27 years of age. The applicant states that his wife has lived with him in the Cherokee Nation ever since their marriage and that she was never married prior to her marriage to him. She will be listed for enrollment as a Cherokee freedman on a doubtful card to await proof of marriage and also to await proof of residence in the Cherokee Nation from the time of her birth until the time of

her marriage, and for further information in this case there will be filed with it a copy of the testimony in the case of the wife's mother whose name is not Julia Kirkpatrick and her case is U. S. D. No. 1075. The final decision of the Commission will be made known to the applicant at her post office address. As for the two children of this marriage, Haydon and Frank Finley, they also will be listed for enrollment as Cherokee freedmen on a doubtful card with their mother and the applicant is desired to supply the Commission with satisfactory certificates of their birth. The final decision with reference to these children will also be made known to the applicant at his post office address.

Chas. van Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. van Weise

Subscribed and sworn to before me this the 25th of June 1901 at Nevada, I. T.

[Signature]

Commissioner.

To be filed in the case of Eva L. Finley, et al., C. F. D. 673.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T. June 11th 1901.

In the matter of the application of Gelia Kirkpatrick for the enrollment of herself and one child as Cherokee freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A. Gelia Kirkpatrick.
Q How old are you? A. About 80.
Q What is your post office? A. Vinita.
Q In what district do you live? A. Delaware.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Do you want to enroll anyone besides yourself? A. Myself and one child.
Q How old is the child? A. She is 11 years old.
Q How long have you lived in the Cherokee Nation? A. Off and on all the time.
Q Were you born in the Cherokee Nation? A. Yes sir.
Q Were you a slave in the Cherokee Nation before the war broke out? A. Yes sir.
Q Did you belong to a Cherokee Master when the war broke out? A. Yes sir.
Q Give me the name of your master? A. Ben Landrum.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Have you been out since the war? A. Been out and in since the war.
Q Have you lived part of the time in and part of the time out since the war? A. I have been out and worked since the war some.
Q Give me the name of your father? A. George Landrum.
Q Is your father dead? A. Yes sir.
Q How long has he been dead? A. I can't say for certain, been dead quite a while.
Q As much as 10 or 12 years? A. 13 or 14 years as near as I can get at it.
Q Give me your mother's name? A. Cassie Landrum.
Q Is she dead? A. Yes sir.
Q How long has she been dead? A. I think about 12 years.
Q Was your father a Cherokee freedman? A. Yes sir.
Q Was your mother a Cherokee freedman? A. Yes sir.
Q Where did your master Ben Landrum live? A. On Sparrow Creek.
Q In what district? A. Delaware I think.
Q How many times have you been married? A. Twice.
Q Give me the name of your first husband? A. Tom Daniels.
Q Is he living or dead? A. Dead.
Q How long? A. 10 years.
Q Was he a Cherokee freedman? A. Yes sir.
Q When were you and he married? A. Before the war.
Q Back in the days of slavery? A. Yes sir.
Q Did you live together until he died? A. Yes sir.
Q Give me the name of your second husband? A. Jerry Kirkpatrick.
Q Is he living now? A. No sir.
Q When did you marry him? A. 5 years ago.
Q Have you a certificate of your marriage? A. No sir.
Q Give me the name of your child? A. Ethel Daniels.
Q Is she living now? A. Yes sir.

Applicant not on the 1880 or 1890 roll.

Kern Clifton roll examined and applicants found as follows:
page 153 No. 3798 Gelia Daniels, Geeweenawee district.
page 153 No. 3798 Ethel Daniels, Geeweenawee district.

- Q How comes it that you are not on the roll of 1880? A. I don't know, I left it to my father and he said he would attend to it.
Q Where did you go to during the war? A. Neosho Falls, Kansas.
Q With what? A. Lots of us.
Q Did you come with your husband? A. Yes sir. He came with me.

- Q Did you stay there until after the war? A. Yes sir.
Q When did you come back? A. In the spring I guess.
Q Of what year? A. When my father and Simon Lynch came, I don't know the dates.
Q Did your husband come back with you? A. No sir.
Q When did he come? A He sent me on with his father and my father and he staid and worked a while and he come down the next spring after I did
Q Did you have any children at that time? A. No sir.

The authenticated roll of 1880 examined and the name of the applicant's father identified on the same as follows:
Page 645, No. 663, George Landrum, Saline district.

The 1880 roll examined for a name which the applicant mentioned and same is found as follows:
Page 645, No. 663, Simon Lynch, Saline district.

- Q How long after you got back before your husband came? A. In the spring
Q How long after you got here before he came? A. I guess it was a year
Q You came one spring and he came the next spring? A Yes sir.
Q Where is Simon Lynch? A I guess he is at home.
Q Is there anyone here who knows of your having been married? A Yes sir

JAMES LANDRUM called and sworn as a witness for the applicant, testified as follows:

(By Gen'r Breckinridge)

- Q What is your name? A. James Landrum.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A. All my life off and on.
Q Were you out during the war? A. Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir
Q Do you know this applicant here? A. Yes sir.
Q What kin is she to you? A. My sister.
Q Are you a son of George and Cassie Landrum? A. I am a son of George and Peggy.
Q You and this applicant are not full brother and sister then? A. No sir, half brother to her, my mother was Peggy and her mother was Cassie
Q Was your father married to Peggy before he married Cassie? A Yes sir
Q When did he marry Cassie, was it in slavery days? A. Yes sir.
Q Was Peggy dead then? A. No sir he had two wives.
Q Were both of his wives slaves? A. Yes sir.
Q Did he ~~pretend~~ pretend to live with both of them at the same time? A. Yes sir.
Q Was that sort of thing permitted in that day? A. Yes sir that was the go in those days, nigger babies is what was wanted.
Q Do you remember when George Landrum came back to the Cherokee Nation? A Yes sir
Q Was you with him? A No sir I came first before he did.
Q Were you here at the time he came? A Yes sir.
Q You went back to Kansas for your family didn't you? A. Yes sir.
Q Were you here when your father came, or were you back for your family? A He came when I went back to Kansas.
Q You didn't see him when he got here? A. No sir, I saw him when he started from there.
Q Was your sister with him? A. Yes sir.
Q When you got back did you see him? A. Yes sir.
Q Was this sister with him? A. Yes sir.
Q How long after you saw them in Kansas did you see them here? A. It was before I got back here.
Q You saw them leave Kansas? A Yes sir.
Q How long after that did you next see them in the Cherokee Nation? A It was the next fall following.
Q What time of the year did you see them leave Kansas? A It was in '63 I think it was.
Q What time of the year? A. In March.

- Q Of '65 and '66? A March of '65.
- Q That you saw them leaving Kansas? A. I think it was.
- Q Was the war over then? A. Yes sir, just right at the close of the war.
- Q Is your name on the roll of 1880? A. I don't think it is.
- Q You applied for yourself a few days ago? A. Yes sir.
- Q You was put on a doubtful card? A. I guess so.
- Q You ought to know it, you was told at the time wasn't you? A. Yes sir.
- Q Don't you remember? A. Yes sir, I remember.
- Q Was your step mother with your ~~Sister~~ sister when they came back? A. No sir.
- Q Where was she at? A. At Gibson.
- Q Didn't she live with your father after the war? A. No sir.
- Q Did she go out during the war? A. Yes sir.
- Q She came back before he did? A. Yes sir.
- Q What was the name she went by after the war, Landrum? A. Yes sir.
- Q Didn't she marry another man and take his name? A. No sir.
- Q How long do you think Cassie Landrum has been dead? A. She has been dead 12 or 13 years.
- Q Did she continue to live in the Cherokee Nation after the war? A. Yes sir.
- Q Where has this ~~life~~ sister of yours lived since the war? A. She has lived at Brown's Ferry and Iran's Ford and in Simon Lynch's settlement and in Arch Landrum's settlement.
- Q Has she ever lived outside of the Cherokee Nation since the war? A. Most of the time.
- Q Do you mean to say she has lived in the Cherokee Nation most of the time since the war? A. No sir.
- Q What do you mean to say then? A. That she has lived right where my father first brought her most of the time since the war.
- Q Then you mean that she has lived in the Cherokee Nation most of the time since the war don't you? A. Yes sir.
- Q You are positive that she has made her home here all the time since the war? A. Yes sir.
- (By the Commission of applicant-)
- Q You didn't indicate that you had made your home here all the time since the war did you? A. I worked out some.
- Q Where have you been out at work? A. At Neosho Falls some times.
- Q Any other places? A. Chetopa.
- Q Anywhere else? A. No sir.
- Q How much work have you done at Neosho Falls? A. Sometimes six months maybe seven, then ~~your family~~ I would make a trip back here.
- Q Did you take your family with you? A. Yes sir I would take the baby there sometimes.
- Q How about Chetopa? A. Yes sir the same way.
- Q Have you spent as much as half your time in Kansas? A. No sir, would come back and stay as much as 3 and 4 months at a time and then light out again, sometimes here and sometimes there.
- Q When did your last husband die? A. 2 years ago.
- Q Where did you marry him? A. Neosho Falls.
- Q Where did you marry your first husband? A. On the river where I live now.
- (By Commissioner of witness, Jas. Landrum)
- Q What was the name of your sister's first husband? A. Tom Daniels.
- Q When did she marry him? A. Long before the war.
- Q How long has he been dead? A. Been dead about 15 years.
- Q Did she live with him until she died? A. Yes sir.
- Q What was the name of her second husband? A. Jerry Kirkpatrick.
- Q How long has he been dead? A. About 4 years I think.
- Q All of 4 years you think? A. Yes sir, I think it is between 3 and 4 years.
- Q Did she marry him after Tom Daniels died? A. Yes sir.
- Q Has she ever been married except those two times? A. No sir.
- Q Did she live with Kirkpatrick until he died? A. Yes sir.
- Q Do you know anything that your sister had been in the habit of going to Neosho Falls, and Chetopa and working there? A. No sir.
- Q You don't know anything about it? A. No sir.

Q Her testimony shows that she spent half her time there and yet you say you have kept the run of her all the time and don't know anything about it? A (No response)

By Gen'r Breakinridge,-

The testimony of the applicant and of the witness James Landrum, down to this point will be filed in the case of the said James Landrum, as it indicates that his testimony is unreliable and should be taken into consideration in weighing any statement he has made in his own application. His application is Cherokee Freedman D. #664.

(By Commission of witness, Jas. Landrum)

Q Can you explain how is it that your sister has spent so much of her time in Kansas and you know not know anything about it? A No sir.
Q You say you have kept the run of her all the time? A I have tried to.

(By Commission of the applicant)

Q Have you ever seen this brother while you were working in Kansas?
A No sir.

Q You have some grown children who will want to apply on the basis of your testimony haven't you? A Yes sir.

Q Give me the name of your oldest child? A. George Daniels.

Q About how old is he? A. About 34.

Q Where was he born? A. On the river.

Q In the Cherokee Nation? A. Yes sir

Q Have you a child named Frank? A. Yes sir.

Q How old is he? A. I don't know exactly, it is there on that paper.

Q 29 years? A. Yes sir.

Q Where was he born? A. On Grand river.

Q Eva Daniels, is she married? A. Yes sir.

Q What is her name now? A. Finley.

Q Where was she born? A. On the river.

Q These three children, were they in the Cherokee Nation all the time?

A Yes sir.

Q Were they never with you in Kansas? A. Yes sir some time I would take them there and send them to school.

Q Have you ever kept house up there? A. No sir.

Q Who is Rade Finley? A That is my little grand daughter.

Q Is its mother alive? A. Yes sir.

Q What is its mother's name? A. Eva Finley.

Q That is this daughter Eva that you speak of is it? A. Yes sir.

Q She has another child, Frank, also, younger than Rade? A Yes sir.

Q Has Eva applied for her family yet? A No sir.

Q Has her husband applied? A. No sir.

(By Hastings of the witness, Jas. Landrum)

Q When was the last time you was in Neosho Falls, Kansas? A When was the last time?—about 15 years ago.

Q Was your sister Gelia there at that time? A. I don't remember seeing her.

Q Where was she at that time? A. I guess she was here on the river at that time.

Q Do you know? A. I think she was on Dave Landrum's place then.

Q Are you positive? A Yes sir I am pretty positive.

Q Are you positive that you didn't see her at Neosho Falls, Kansas, then?

A Yes sir.

Q How long did you remain at Neosho Falls that time? A Just a little while.

Q A month? A. Longer than that.

Q Two months? A About that.

Q Have you been back there? A. No sir.

Q You once went there since since the war? A. I was there twice.

Q When was the other time? A. When I was there before, when I went back for my family.

Q Was that the first time after the war? A. Yes sir.

Q And you never saw your sister, the applicant, at Neosho Falls since

the war? A. Yes sir, I have.

Q When was that? A. That was just as I was discharged from the army.
Q Did you ever see her back there after she had come down here to the Cherokee Nation after the war? A. No sir.

Q Did you ever see her in Kansas after she has come down here after the war? A. Yes sir, I saw her there when I came back.

Q I mean after she had come down here? A. No sir.

Q Where have you been living? A. Down here on the river.

Q In what settlement? A. Island Ford settlement.

Q How far has your sister been living from you? A. 7, 8, or 10 miles, sometimes 12 miles; I didn't live there all the time, I lived at Fort Gibson some times, staid there a long time.

Q Did she live with her husband directly after the war? A. Yes sir with Tom Daniels.

(By Hastings of applicant)

Q Where did you live with Tom Daniels first after the war? A. Lived right there with his father and my father.

Q Live with both of them at the same time? A. No sir lived first with one and then with the other.

Q How long did you stay down there until you went back to Kansas? A. A quite a while.

Q How long after you came there did you next go back? A. About 2 years.

Q Did you go back with your husband? A. No, sir he went first.

Q To what place in Kansas did you go that time? A. Neosho Falls.

Q What did you do up there? A. Worked a few times.

Q What did he do? A. He worked in a mill.

Q Who run the mill? A. I don't know, did know, don't remember it now.

Q How long did you stay up there that time, how many years to the best of your judgment? A. 3 or 4 months at a time.

Q How long did your husband stay? A. Off and on all the time.

Q He died there? A. Yes sir.

Q What year did Tom Daniels die in Kansas? A. I don't know.

Q Is Ethel his child? A. Yes sir.

Q He died before she was born? A. Yes sir a little while before she was born.

Q He died in Neosho Falls? A. Yes sir.

Q You kept house up there didn't you? A. No sir, I worked for a family there.

Q You didn't keep house there for your husband and children? A. No sir, I boarded with that family, and my husband boarded with some folks there.

Q Well you roomed together didn't you? A. Yes we staid together in a room.

Q Ethel was born in Kansas? A. No sir.

Q Eva was born in Kansas? A. No sir.

Q Where was she born? A. At my father's.

Q Your husband was in Kansas then though? A. He was here part of the time.

~~Q Your husband was in Kansas then though.~~

Q Your husband never worked in the Cherokee Nation after the war? A. He worked here some.

Q He never made a crop here did he? A. No sir but he helped my father make a crop and he helped his father make a crop.

Q You and he never kept house separate and apart from your parents or his folks in the Cherokee Nation did you? A. No sir.

Q You and your second husband were married in Neosho Falls? A. Yes sir.

Q Where did he die? A. Down here at Vinisa.

Q What year? A. I don't know, he has been dead 2 or 3 years.

Q You never had a child by him did you? A. No sir, got them all by Tom Daniels.

Q What did you and your husband come to the Cherokee Nation? A. I married him and brought him down here, got acquainted with him up there before my first husband died.

Q How long was it after your first husband died before you married this second husband? A. About 2 years.

Q Then you and your second husband had been married 2 or 3 years before he died? A. Yes sir, I guess so.

Q Your first husband died in Kansas and you had met your second husband up there long before, and after some five years after the death of your first husband you married your second husband, you met him and married him in the same place that your first husband died at, in Kansas?

A Yes sir.

Q How far did this brother, Jim Landrum, live from you all this while?

A I was living on the river at my Aunt Winnies.

Q Did he know that you and your husband were living in Neosho falls? I don't know.

Q You saw him there about 15 years ago? A. I guess I saw him there then

Q How long did he stay there with you? A. Not long.

Q A month? A. Maybe a month or two months.

Q That was before your first husband's death? A. Afterwards I guess.

Q About how many years ago? A. I don't know exactly.

Q What is your best judgment as to the time that you saw your brother, the witness here, in Neosho Falls, Kansas? A. I don't know, about 10 years or 11 years.

Q Was your brother married up there, when you saw him there at Neosho Falls had he a wife with him? A If he has a wife with him I didn't see her.

Q Didn't he have some children born there? A. No sir.

Q But you saw him there? A. Yes sir.

Q Where did you bury your second husband? A There at Neosho Falls; took him up there, that was his request when he died and I did it.
(By Hastings of witness)

Q How do you reconcile your statement with that of your sister; you testified positively that you never saw her in Kansas after the war?

A Didn't I say I saw her 15 years ago up there?

(His former statement read over to him here)

(By Commission of applicant)

Q Where were you during the time between the death of your first husband and your marriage to your second husband—where did you stay when you were a widow? A On the river.

Q Were you there all the time? A. Off and on.

Q Off and on? A. Yes sir.

Q When you were not on the river, were you up in Kansas? A. No sir at my mothers, at Muskogee and at Fort Gibson.

Q But you were at Neosho Falls when you married the second time? A Yes sir.

By Com'r Breckinridge,—

The applicant applies for the enrollment of herself and one child; it appears that the applicant was a slave in the Cherokee Nation and of a Cherokee citizen at the beginning of the Civil war; that she was carried to the state of Kansas and she claims to have returned within the time required within the treaty of 1866. She is identified on the Kern Clifton roll, but not identified on the 1880 or 1886 rolls; she is 50 years of age; her deceased husband, to whom she was married at the beginning of the war, is not identified on the roll of 1880, but she states that she returned prior to the return of her husband, with her father and Simon Lynch, the former deceased and the latter now living, but not introduced in this case. Both the deceased father and Simon Lynch are identified on the roll of 1886. It seems highly probable that the applicant qualified under the treaty of 1866, but it seems also highly probable that her omissions from the rolls since that time, is due to her living at Neosho Falls, Kansas; her change of name arising from marriage is established in a satisfactory manner, and the applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to the applicant at her post office address. Of her children, she applies for Ethel Buckles, she is identified on the Kern Clifton roll, is living at this time, it is not identified on the roll of 1886; the rights of this child should be the same as those established for its mother, and the child will be listed for enrollment as a Cherokee

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

IMPERSONALITY OF THE STATE
IN AFRICA

1. The Board of Directors of the company, in its capacity as the governing body of the company, has the honor to inform you that the company has received a letter from the Department of the Interior, dated 10/10/1910, in which it is stated that the company's application for a license to operate a public utility in the State of New York has been approved. The license is valid for a period of five years, and the company is authorized to operate a public utility in the State of New York.

1844

DEPARTMENT OF THE ARMY
COMMISSION TO THE FIVE CIVIL
FILED
JUL 31 1901

1. The first of these is the fact that the
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freedman on a doubtful card with its mother, and the said mother will be informed of the final decision of the Commission in regard to her case also. The names of certain other children who are of age are identified in the course of the testimony, as their claim will come under the same claim as their mother. It should be noted that the general impression made in this case by the testimony given is that it is given with considerable reservation and lack of frankness and particularly is this true of the applicant's half brother James Landrum, whose testimony has been ordered to be filed in his own case. His whole conduct and nature of replies to questions asked, indicate a perfect unreliability.

- SUPPLEMENTAL -

By Hastings of applicant-

- Q Your daughter Eva Finley is married? A. Yes sir.
Q What is her husband's name? A. Tie Finley.
Q How old is her oldest child? A. One and a half years old.
Q She has two children? A. Yes sir.
Q Where was she married? A. Here in Vinita.
Q Since the death of your last husband? A. Yes sir.

+ + + + +

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 25th of June, 1901, at Nowatam I, T.

M.D. Green

Notary Public

County of Nowatam, I. T.

To be filed in the case of Eva L. Finley et al. C. P. D. Card # _____

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Cholasa, I. T. June 11th 1904.

SUPPLEMENTAL TESTIMONY in the case of Eva L. Finley, Cherokee Freedmen
Beautiful Card # _____

Applicant and Cherokee representatives present.

JOHN LANDRUM, called and sworn as a witness for the applicant,
testified as follows before Commissioner G. R. Breckinridge:

- Q What is your name? A. John Landrum.
Q How old are you? A. 38.
Q What is your post office? A. Hayden.
Q How long have you lived in the Cherokee Nation? A. Born and raised here.
Q Were you out of the Cherokee Nation during the war? A. Yes sir.
Q What time did you get back here? A. In the fall of '66.
Q Are you on the roll of 1866? A. Yes sir.
Q Do you know this applicant here, Tyre H. Finley? A. I am not really acquainted with him.
Q Do you know his wife? A. Yes sir.
Q Is she a niece of yours? A. Yes sir.
Q Do you know that he and she are married? A. Yes sir.
Q Give me her maiden name? A. Eva Daniels.
Q Is she a daughter of your sister Gelia Kistner? A. Yes sir.
Q And of her first husband? A. Yes sir.
Q When did this man here marry your niece? A. Just before the war.
Q What war? A. The war that freed us.
Q You don't mean that this young man here married your niece before the Civil war do you? A. No sir, I thought you meant when did my sister marry Tom Daniels.
Q How long has this man sitting here been married to your niece Eva? A. I never found it out that they was married until about 3 or 4 years ago.
Q Have you known them ever since as husband and wife? A. Yes sir.
Q Where was your niece born? A. I suppose she was born in Kansas, I don't know exactly.
Q When was she born? A. I don't know exactly.
Q When did you first see your niece Eva? A. I seen her at Vinita.
Q How old was she then? A. I cannot tell just how old she was, right smart sized girl.
Q What do you know of her from that time up until now? Since you saw her the first time in Vinita? A. I cannot tell you, living in the nation I guess, I cannot tell you to tell the truth.
Q You must tell the truth, you are under oath? A. I am telling it.
Q Has she been living in the Cherokee Nation since she married this man? A. Yes sir.
Q But before that you don't know? A. No sir.
Q Are you a full brother of her mother Gelia? A. No sir.
Q Has your sister Gelia ever lived near you in the Cherokee Nation? A. Before the war.
Q I mean since the war? A. No sir.
Q Where do you live? A. In Lightning Creek.
Q Have you kept any run of your sister Gelia since the war? A. I seen her off and on.
Q Where has she made her home lately? A. In Vinita.
Q How long has she lived in Vinita? A. I don't know.
Q Where did she live before that? A. In Kansas.
Q Neosho Falls, Kansas? A. Yes sir.

- Q Did she and Tom Daniels go to Neosho Falls together? A. Yes sir.
Q Did they come down here together again? A. I left them there.
Q When was that? A. A while after the war, after peace.
Q When was it you saw her in Vinita, was that after Tom Daniels had died? A. Yes sir.
Q Was that after she had married Jerry Kitchener? A. I cannot tell you anything about that, I can't tell of her last marriage.
Q After Tom Daniels died, she came to Vinita did she? A. Yes sir.
Q Had she made her home before that in Kansas? A. I don't know if she had made a home there at that time because I was was down here and left them there, and I don't know what they did up there, I was down here.
Q I am talking of between the time when you left here there after the war, when you saw her in Kansas, and when you next saw her in Vinita after Tom Daniels had died? A. She was up there in Kansas until Tom died.
Q How do you know that? A. To the best of my knowledge, I left them there both together.
Q What do you know of them staying there after you left that there until he died? A. I don't know anything about it for certain, not all the time I don't.
Q Did you ever hear from your sister? A. Yes sir I got letters from her.
Q What was Tom doing there? A. Working there in a mill.
Q Did your sister ever come down here before Tom died? A. Yes sir.
Q On a visit? A. Yes sir.
Q Short visits? A. Yes sir.
Q She has several children? A. Yes sir.
Q Do you know where those children were born? A. No sir I don't know.
Q How far have you lived from where your mother lived since the war—your mother was Canada, wasn't it? A. No sir my mother was Peggy.
Q Then you are only a half sister of Golia? A. Yes sir that is what I told you before that I was not a full sister of hers.
Q Did she have her children there at Vinita? A. She had two.

By W. W. Hastings:

- Q Where did you last see your half sister Golia Daniels when you left Kansas immediately after the war? A. I saw her there on the river.
Q How long before you left there? A. Quite a while, not a great while either.
Q Did you see her in the summer before you left in the fall of '08?
A. No sir, in the winter as near as I can remember.
Q So far as you know, she and her husband Tom Daniels continued to live in Kansas at Neosho Falls until after his death? A. Yes sir.

By the Commission:

- Q Do you know anything about her coming back after a while to the Cherokee Nation with your father and her father George Landrum? A. That is when they first came, when I used her first was in '09 at George Landrum on the river.
Q At your father's place in the Cherokee Nation? A. Yes sir.
Q She seems to have come down for a while at least with your father, and very soon after that Tom Daniels and went back to Kansas and then she followed him? A. I don't know if Tom came down here or not, but I understood from what my father told me that Golia had come down here

with him and with Simon Lynch,
she went back and gained her husband Tom Daniels about A. I guess so,
I don't know as Tom came at all, he might have.

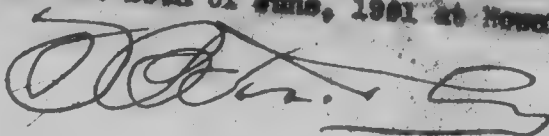
By Gen'r Breckinridge,--

This testimony will be filed in the application
made for Eva L. Finley by her husband, and also a copy of this testi-
mony will be filed in the case of Collis Kirkpatrick on Cherokee Freedmen
beneficial card #973, and a note will be made on that card calling at-
tention to this additional evidence.

Chas. von Weise, being sworn states that as stenographer to the Com-
mission to the Five Civilized Tribes he reported in full all the pro-
ceedings in the above cause and that the foregoing is a full, true
and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 20th of June, 1901 at Mounds
I. S.

Chas. von Weise



Commissioner

File 675-

R

~~Proof of service made~~
The original filed with the
DAVES COMMISSION.

SEP 30 1901

NOTICE!

IN THE MATTER OF the application of Eva L. Finley
for enrollment as Cherokee Freedmen:
Case No. F. D. 675

To Eva L. Finley Vinita I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 12th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

L. B. Bell

W. W. Hastings
J. D. Davenport
Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, October, 18, 1901.

SUPPLEMENTAL Testimony in the matter of the application of Celia
Kirkpatrick et al. C. F. D. 67B.

Appearances:

James S. Davenport for the Cherokee Nation
Hollotte & Smith for the applicants

C. R. Griffith being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation
(By Davenport)

Q What is your name? A C. R. Griffith.

Q What is your post office? A Vinita.

Q What is your age? A 29.

Q How long have you been living in Vinita? A I have been living here since the payment, before the payment, I forget just what year that was.

Q Did you ever live in Neosho Falls, Kansas? A Yes sir.

Q What year did you move to Neosho Falls Kansas? A I left there in '87.

Q When did you go there? A I went there in '78.

Q While you were living at Neosho Falls Kansas did you know a colored family by the name of Daniels? A Yes sir.

Q Did you know the man of that family? A Yes sir Tom.

Q Did you know his wife? A Yes sir.

Q What was her name? A Celia I think.

Q Do you know whether or not Tom Daniels is dead? A Yes sir he is dead.

Q Do you know if Celia married after his death? A Yes sir, I have heard she married, but I don't know anything about it.

Q Where was Tom and Celia Daniels living when you went to Neosho Falls, Kansas? A They were living about three quarters of a mile north of town across the Neosho river.

Q Did they afterwards live nearer town? A No sir.

Q You was a boy then? A Yes sir.

Q Do you know if Celia had any of her family, or her own family around there? A No sir I don't know any except the Daniel's family.

Q You haven't seen the applicant to-day? A No sir, not since I left Neosho Falls.

(By Hollotte)

Q Well Doctor, when do you remember of having first seen Celia Daniels? A Well it was shortly after ~~they had moved~~ we had moved to the town, I went over there to get a cow my father had bought of them.

Q Did you pay any particular attention to them after that? A I saw some of the children most ever day, they went to school there every day.

Q Did you know Celia personally? A Yes sir I saw her quite frequently.

Q Do you pretend to say that you saw them all the time from the time you got acquainted with them until you left? A No not all the time, shortly before I left there I think. I left late that fall and that summer I worked in the country and didn't see them then at all.

Q Was Celia here in this country any time that you were at Neosho Falls? A They kept house there all the time.

Q You don't know if she was here or not? A No sir I don't.

Q You left there in what year? A '87 or '88 I don't remember which.

Q Do you know where she was before you went there? A No sir.

Q Do you know if this is the woman, the one you are talking about, is the same woman who has made application here? A Yes sir.

Q How do you know? A I know her daughter that is here in town and it is her mother.

Q Do you know that this is the one? A I haven't seen this woman, but Finley the barber's wife is her daughter, she used to be her daughter and I guess she is yet.

Q You dont know where she was in '66? A No sir, that was before my time.

(By Davenport)

Q You knew Eva Finley there at Neosho Falls? A Yes sir.

Q She went to school there? A Yes sir.

ANDERSON LYNCH being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the applicant:

(By Mellette)

Q What is your name? A Anderson Lynch.

Q Where do you live? A Out here on Grand river.

Q Are you a freedman citizen of the Cherokee Nation? A Yes sir.

Q Do you know this applicant here, Celia Kirkpatrick? A Yes sir.

Q Did you know her before the war? A Yes sir.

Q Where did she live before the war?

BY MR. DAVENPORT: The Cherokee Nation objects to this testimony because it has never been questioned as to where she lived before the war.

(By Mellette of witness)

Q Do you know when she came back here after the war? A Yes sir.

Q What year? A In '66.

Q Where did she come to? A Come to Simon Lynch's cross Grand river with Jim Landrum.

Q Have you known her ever since she came back here in '66? A Yes sir, I dont know where she has been all the time, I saw her two or three times at Simon's.

Q Do you know where she has lived since that time? A No sir not exactly, I know she lived in Vinita a while.

Q When was she living here in Vinita? A Two or three years ago, I never paid much attention.

Q Do you know Tom Daniels, her first husband? A Yes sir.

Q Where were they married? A I disremember exactly where.

Q Did they live together in the Cherokee Nation, Tom Daniels and Celia? A I dont believe they did, I know they both went out from here together.

Q Were they married at that time? A I disremember if they was or not, I know when I come to them in Kansas they was married.

Q Was Tom Daniels a freedman? A Yes sir he was Simon Lynch's son.

Q Was he a citizen of this country? A He was before he went out.

Q He is dead now? A Yes sir.

Q Daniels was a recognized citizen of this country was he? A Yes sir belonged to Bob Daniels.

(By Davenport)

Q Did Celia come back when Jess Cochran was killed? Yes sir.

Q You and little Jess dont agree as to the time of the killing of his father do you? A It was in '66.

Q Haven't you heard Jess Cochran, little Jess, testify as to the year when his father got killed? A I dont know as I have.

Q At what point in Kansas did you see Celia and Tom Daniels? A At Neosho Falls.

Q Tom Daniels never did live in this country since the war? A I never saw him.

Q Do you know Eva Finley, the daughter of Celia? A No sir.

Q Didn't know her children? A No sir.

Q Daniels and she married before the war closed? A They might have.

Q Didn't you say you saw them in Kansas? A Yes sir.

Q He died up there some years after the war? A Yes sir it was a while after the war.

Q It was after '66 that he died? A No sir I think it was before--no it was after that.

Q You heard Dr. Griffith testify that he saw this woman in Kansas at Neosho Falls in '79? A He might have seen her, I cant tell about that.

Specified and ready to perform in the form of Report. 1901.

With this the subject and material of the subject being noted separately.
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DEPARTMENT OF THE INTERIOR
MISSION TO THE FIELD

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Q Where did they live in Kansas with reference to Neosho Falls? A
On the other side of the river at Goose Hills.
Q If Dr. Griffith testified that they were living there it is correct
is it? A Might be so, I don't know.

This will be filed in the original application C. F. D. 673 and also
in C. F. D. 675.

Chas. von Weiss, being first duly sworn stated that as stenographer
to the Commission to the Five Civilized Tribes he reported in full
all the proceedings in the above cases and that the foregoing is a
full, true and correct transcript of his stenographic notes therein.

Chas. von Weiss

Subscribed and sworn to before me this 12th of October, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 24, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application for the enrollment of EVA L. FINLEY, ET AL., as
Cherokee Freedmen.

Appearances:

L. B. Bell, Attorney for Cherokee Nation.

EVA L. FINLEY, being first duly sworn, and being examined,
testified as follows:

BY COMMISSION: What is your name? A Eva L. Finley.
Q How old are you? A Twenty-eight.
Q What is your post office? A Vinita.
Q What district do you live in? A I don't know what district it is.
Q What is the name of your father? A Thomas J. Daniels.
Q What is your mother's name? A Celia Kirkpatrick.
Q Is your father dead? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was born
here.
Q Lived here all your life? A No, I have not been here all my life
but this has been my home.
Q Have you lived in the Cherokee Nation? A Do you mean do I
consider this as home, yes sir.
Q Have you ever been out of the Cherokee Nation? A Certainly.
Q Where have you been? A Washington, D. C., Colorado, Kansas,
Mexico, I don't know where all. Before I was married I was
travelling and would go and come when I felt like.
Q When is the first time you ever went out of the Cherokee Nation
to stay any length of time? A I don't remember the first time.
Q Where did you go the first time you went out to stay any length
of time? A Went to Kansas. That is the first place I went to that
I remember.
Q Where? A Neosho Falls.
Q About when was that? A I don't know.
Q Was that after 1880, after the census takers came around?
A I don't remember.
Q How long did you stay in Kansas at that time? A Didn't stay
very long at a time. I can't tell you now just how long I did stay.
Might have been two weeks or two months, or might have been three,
I don't remember now.
Q When did your father die? A In 1889.
Q Was he living in the Cherokee Nation when he died? A No sir.
Q Where did he die? A Neosho Falls, Kansas.
Q Was your mother living in Kansas at that time? A No, they were
not living there, he was in poor health, and went up there on account
of his health, and while he was there he died of consumption.
Q How long had he been living there before he died?
A I don't know.
Q Did your mother stay up there then for a while? A No, she came
down here. He died in February, and we came in April.
Q Where did you come to? A To Vinita, and then out on the river.
We was here about three days before we got a chance to go out on
the river.
Q What river? A Grand river.
Q What nation? A Cherokee Nation.
Q What point on Grand River? A Lynch's Prairie.
Q How long did you stay there then? A Stayed there until we moved
to town here in Vinita.

Q How long was that? A I don't know, I think it was - I don't know whether it was a year or how long it was, I don't remember. Never kept track of things, because I never thought I would have to give an account of it.

Q How long have you lived continuously in the Cherokee Nation without going out? A Going on six years. It will be six years in March. I haven't been any further out except to go to Chetopa and back, stayed there two weeks.

Q For the past six years you resided continuously in the Cherokee Nation? A It will be six years in March.

Q Where did you live the year before you were married? A I wasn't to say living any place. I was traveling. It wasn't a year, either, because I was back and forth here.

Q Was your mother living here the year before you were married?

A Yes sir.

Q For how long before you were married had your mother lived here in the Cherokee Nation? A She hadn't been out since father died.

Q Since 1889 your mother lived continuously in the Cherokee Nation?

A Yes sir, she was right here, and before then she was back and forth.

Q Did you always make your home with your mother until you were married? A Yes sir.

Q What is your husband's name? A Finley.

Q He has always lived with you in the Cherokee Nation since you were married? A Yes sir.

Q Are your children both alive? A Yes sir.

Q What are their names? A Haydel and Frank.

Q They have lived in the Cherokee Nation ever since they were born?

A Yes sir, born here.

MR. BELL: Where were you born at? A Out on Grand River some place/

Q You don't know? A No sir, I don't, just what place.

Q Where were you living when you can first recollect? A Right near the lake out there on Lynch's Prairie, they call it, Lynch's Lake, I guess.

Q Who lived around there? A My grandmother and my grandfather, Simon Lynch, and my aunt.

Q Your grandmother, who was that? A Her name was Cassie Landrum.

Q Go on, who else? A Lewis Lynch, that's my uncle.

Q Simon Lynch, did you say? A Simon Lynch, my grandpa., and my grandpa George. Of course I don't remember him.

Q How old did you say you was? A Twenty-eight.

Q You don't have any recollection then of living up in Kansas with your mother? A I said I was up there, yes, at Neosho Falls.

Q She was up there? A Yes sir, mother is supposed to take the children wherever she goes.

Q When did your mother take you up there? A I don't remember.

Q How old was you? A I don't remember that.

Q About how big was you? A I don't know, old enough to go to school.

Q How long did you stay there? A I can't say.

Q Didn't you go there and go to school? A Might have been a year and might have been longer. I went to school there, and in several places.

Q You might have stayed there a year and longer? A Might have been, and maybe longer.

Q Wasn't it four or five years? A No, it wasn't that long.

Q You are ready to swear it wasn't five years? A I don't think it was. I said I wasn't positive how long I stayed.

Q How long did your mother stay up there? A Couldn't say.

Q Was your mother living down here, and your father, by old Simon Lynch's? A I was born out here some place.

Q Was your mother living out here at Simon Lynch's? A Yes, that was their home. Her father and my father's father lived out there.

Q Who was your father's father? A Simon Lynch.

Q How did you get the name of Kirkpatrick? A That was her second husband's name.

Q Kirkpatrick wasn't your father? A No sir, my name was Eva Daniels.

Q Who was your father? A Thomas Daniels.

Q What has become of Tom? A He is dead.

Q Can you tell about how long you stayed there in Kansas, you was going to school? A I said I couldn't, and what I said I mean.

Q You are going to stick to it? A Yes sir.

Q You were going to school? A Yes sir, I said I was going to school there.. Of course I didn't go to school there continuously. I went to school other places.

Q How long did you go to school at this place? A I don't know.

Q How many other places? A I don't know. I went to school most every place where I stayed, I travelled around.

Q You don't have any recollection at all about how long? A No, because I didn't keep account. Wherever I was at I went to school.

Q How old was you when you come back? A I don't know, of course

Q You know when you returned here? A I wasn't here steady until since I married. That has been going on six years, and then I have been here steady ever since.

Q I want to know where you was the other twenty-two years?

A I was here and there, in Colorado sometimes, Kansas sometimes, Washington sometimes, Mexico sometimes, wherever I wanted to go. I always had passes and lots of money.

Q Did you ever have any acquaintance at Neosho Falls? A Yessir, of course.

Q Did you ever know man by the name of Ephraim Beardon.

A Yes sir, of course there wasn't but a few colored people there, and I was supposed to know them all.

Q Did you ever know a white man there by the name of Griffith?

A Yes sir, he is here in Vinita.

Q You see him there? A Of course I seen him.

Q You didn't go to school with him? A No sir, of course I wasn't school age when he was attending school there.

Q Your mother was there and she knew him too, didn't she?

A There was an accident occurred there, how I come to remember the Griffiths, I always remember that.

Q I just want to know if you knew him? A I know him.

Q Where did you marry your husband? A Here in Vinita.

Q Six years ago? A Going on six years, yes sir.

Q Up to that time, until 1896 sometime, or '97, you never had a permanent residence here? A This was my home.

Q You didn't have any farm, house, or place to live at, you just worked about, went about? A Yes sir, I worked about.

Q Most of the time you was in Kansas? A No.

Q Where did you stay, commence and tell? A We stayed sometimes in Topeka, sometimes in Denver, Colorado, sometimes in Washington, D. C., sometimes in Mexico.

Q What I want to know is, neither one of the places you mention is in the Cherokee Nation? A That's what I say. Whenever I got ready to come, on Christmas or anything, I would come here.

Q You put in your Christmas and Thanksgiving coming here?

A Whenever I could come I always did.

Q Name one place you stayed twelve months out in this Nation?

A Out on Grand River.

Q Who with? A With different people, first one then another.

Q I am trying to find out if you stayed a year at one place?

A Out on Grand River.

— 9498 —

Q It wasn't on the river? A On the side.

Q Who with? A Simon Lynch.

Q Did you stay at any one place A No, I never stayed at any one house for twelve months. I would have to be sick if I stayed that long, because I couldn't be still that long.

W. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereon.

Wm. Hutchinson

Subscribed and sworn to before me this 27th day of October, 1903,

Charles H. Sawyer
Notary Public.

LFD - 675-

This should be
substituted for last
page of Testimony
John A. Smith.

Sept 24, 1903.

Cher Fr D 676

Cher Fr D 676

File with CFD 676 Frances Johnson

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Dennis Hicks for the enrollment of himself, his wife, and five children as Cherokee Freedmen.

Dennis Hicks, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Dennis Hicks.
Q How old are you? A I am 52 years old the 15th of June.
Q What is your post-office? A Vinita.
Q In what district do you live? A Cooweescoowee; well I live in Saline, or Delaware it is; my home is in Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A No, sir, not unless you will accept my certificate; I am not a freedman.
Q You want to apply? A Yes, sir, I want to apply.
Q As a Freedman? A No, sir, intermarried.
Q You are an African are you? A Yes, sir.
Q Who is it you want to apply for besides yourself? A Five minor children.
Q And have you a wife you want to apply for? A She will apply for herself I guess.
Q We would rather the family would come together? A Well.
Q You apply for yourself, your wife and five minor children?
A Yes, sir, the wife of them children thought dead.
Q You apply for yourself as an intermarried man to you? A Yes, sir.
Q How long have you lived on the Cherokee Nation? A I have lived here since 1872.
Q How many times have you been married? A Twice.
Q Give me the name of your first wife? A Mary Hicks.
Q Is she dead? A Yes, sir.
Q What was she, a Cherokee Freedman? A Yes, sir.
Q When did you and her marry? A 1872.
Q How long has she been dead? A Been dead four years.
Q Did you and she live together until she died? A Yes, sir.
Q What was the name of her father? A Henry Hicks.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A About 15 years.
Q Give me the name of her mother? A Katie Hicks.
Q Is she dead? A No, sir.
Q Did you get out a Cherokee license when you married this woman?
A Later on I did; a preacher married us in the first place.
Q Have you that license? A Yes, sir.

Commissioner: The applicant presents a license issued by the Clerk of Cooweescoowee District, December 18, 1893, as well as it can be made out, authorizing marriage between himself and Mrs. Mary Hicks, nee Hicks. The certificate shows that they were united in marriage on the 23rd day of December, 1892, by the Rev. A. W. Lewis, and it is endorsed as having been recorded on the 23rd day of December, 1892. This is filed here by J. H. Vannoy, Cherokee attorney. The representatives of the Cherokee Nation present protest against the introduction of the marriage certificate, dated 1892, page 225, of the Compiled laws of the Cherokee Nation of 1892.

Commissioner: The protest will be considered in the final determination of the case.
Q How give me the name of your second wife? A My name is Bettie Holt.
Q Is she living now? A Yes, sir.
Q How long have you lived with her? A Since 1892.

- Q How old is your present wife? A She is 56 years old.
- Q When were you and she married? A About 2 years ago.
- Q Have you a certificate of marriage? A I have at this Court down here, I haven't it with me, it is down at the house.
- Q You claim that Bettie Volt is a Cherokee Freedman? A Yes, sir.
- Q How long has she lived in the Cherokee Nation? A I can't tell you how long, all her life though pretty near I suppose.
- Q Give me the name of her father? A I don't know him, sir.
- Q Give me the name of her mother? A Her name is Easter Hill.
- Q Is she alive? A Yes, sir.
- Q Has this wife ever married before she married you? A Why I think so, I don't know.
- Q Give me the names of these children, begin with the oldest; these five children.
- Q Commence at Leroy Hicks.
- Q How old is that child? A He is about 19 years old.
- Q What is the next child? A Dennis Hicks, Jr.
- Q How old is Dennis? A Dennis is about 17, going on 18 I believe he is.
- Q Give me the name of the next child? A The next one is Delena Hicks.
- Q How old is that child? A She is about, I think she is at 14 years old.
- Q Give me the name of the next child? A Label Hicks.
- Q How old is that child? A She is about 12.
- Q The next child? A Elmer.
- Q How old is that child? A Nine, going on 10.
- Q Are these children all living now? A Yes, sir, all at home.
- Q Are these children of your first wife? A Yes, sir.
- Q Are you on any roll of the Cherokee Nation? A He myself, no sir.

The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant Dennis Hicks, nor Mary, his first wife, not identified on said roll.

The 1880 authenticated roll of Cherokee Freedmen examined and applicants not identified thereon.

- Q Did your wife ever draw Cherokee strip money? A Yes sir.
- Q Did you draw Cherokee strip money? A Yes for these children?
- A Yes, sir; no, sir, they didn't give her this last money; the children did.

The Kerns-Clifton roll examined, and the applicants identified thereon as follows:

Dennis Hicks not on said roll.

Mary Hicks not on said roll.

Leroy Hicks on page 120 No. 2676, Delaware District;

Dennis Hicks, Jr., on page 120, No. 2977, Delaware district;

as Dennis Hicks.

Delena Hicks on page 120, No. 2978, Delaware District as Delaney Hicks.

Label Hicks on page 120 No. 2675, Delaware district.

Elmer Hicks on page 120, No. 3480, Delaware district.

The 1880 authenticated roll of Cherokee Freedmen examined, and the name of Bettie Hicks not identified thereon.

The Kerns-Clifton roll examined, and the applicant Bettie Hicks identified thereon, page 123, No. 4035, Coconawawee district, as Bettie Volt.

Consideration: That I wish to know particularly to know at this point in the case of the applicant's first wife, whereby brings whatever claim he may have as an intermarried man and the claim of his said children.

I want to know what the applicant says to that effect. That is what

I want to know what the applicant says to that effect.

Q Who was her mother? A Fattie Ridge.
 Q Who was her father? A Henry Ridge.
 Q Did she have any sisters or brothers? A Yes, sir.
 Q Who were her sisters and brothers? A Cornelius Ridge, Phoebe Ridge, and Jesse Ridge, he is dead though.

Q Do you know Fattie Ridge yourself? A Yes, sir.
 Q How long have you known her? A I knowed her first in time of the war.

Q Where does Fattie Ridge live now? A She lives on the river.
 Q What river? A Grand river.

Q How far from Vinita? A About 25 miles or so.

Q Has she been here during the sitting of the Commission at this place? A Yes, sir.

Q Do you know whether she made an application for the enrollment of herself or not? A Yes, sir.

Q How long did you and your wife live together here in the Cherokee Nation? A We lived together about 29 years in all; no, we lived together, been 29 years since we married; it is about 29 or '7 years.

Q Was that up to the time of her death? A Yes, sir, up to the time she died.

Q Where did she die? A Here in Vinita; I don't know just exactly how many years.

Q You yourself don't know where your wife was during the war or in 1866? A Why she was during the war at Springfield.

Q Do you know of your own personal knowledge when she came back? A They came back right after the war; they left the place where they were and said they were coming to the Nation, that is all I know about it.

Q What place was that? A Springfield, but in the country about four miles from Springfield; we lived right on the same house; we lived in that house about a year together.

Q What was it they said that, then did they leave and tell you they were coming back? A The year after they brought corn in down here to sell for the Indians, my father-in-law was hauling corn down here to sell for them, and the next fall they moved, said they were coming to the Nation.

Commissioner: That was Springfield, Missouri? A Yes, sir.

Mr. Smith: Are you able to state what year that was in? A That was the year the war closed they hauled the corn in, and the next fall they moved.

Q And said they were coming to the Cherokee Nation? A Yes, sir; I didn't see them for a good while after that.

Q And when did you next see her? A When I came here in 1872, or I first met them again in Joplin, that is before I came down here, and I married down here in 1872.

Q Where did you marry? A Down here on Grand River.

Q Have you lived in the Cherokee Nation ever since that time?

A No, sir, I haven't. I went backwards and forwards to Joplin, I took my family up there and they were up there about two months, came to visit me, I was a blacksmith and I had to work out for a living.

Q And you were there about how long? A The year there about 14 months, I was there about 14 months.

Q Is there any one here who knows the year Fattie's mother was?

A Yes, sir, we have present.

Q Well we want to see all of them who know the year Fattie's mother was? A I don't know any more and I don't know any more.

Mr. J. B. Smith: Commission Attorney: Now I want to know you lived down here in the Cherokee Nation?

A I lived down here in the Cherokee Nation, I lived about 29 years in all, the last of the time I was down here, all the time, I was a blacksmith and I had to work out for a living.

Q That was the year the war closed they hauled the corn in, and the next fall they moved, said they were coming to the Nation.

there is where I worked.

Commissioner: What was your wife doing up at Joplin at that time?

A They lived up there a little while, they were living up there.

Q How far is Joplin from Springfield? A It is 75 or 80 miles.

Q How long had you been there when you met them at Joplin? A No, they were there when I went there, there was a great boom there and I went down there.

Q In what year was it you moved? A That was in '72.

Mr. Davenport: You say they were living there when you moved over there? A Yes, sir, they hadn't been there long, though.

Q How long did they stay there after you met them? A They came right away that fall, I went down in the spring and they came away that fall.

Q How do you know that? A They said they hadn't, I don't know anything about it.

Q Mr. Smith: You stated I believe, when they left Springfield the first time they stated they were coming to the Cherokee Nation?

A Yes, sir.

Mr. Davenport: The next time you saw them after they left Springfield you said they were coming to the Cherokee Nation, was at Joplin, Missouri? A Yes, sir, that was a good while after they left Springfield.

Q They left Springfield and said they were coming to the Cherokee Nation, but the next time you saw them was in Joplin, Missouri, and in the same state of Missouri? A Yes, sir.

Any Bean, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name? A Any Bean.

Q How old are you? A 45.

Q What is your post-office? A Vinita.

Q How long have you lived in the Cherokee Nation? A All my life.

Mr. Smith: Do you know Dennis Hicks, the applicant in this case?

A Yes, sir.

Q How long have you known him? A Well, I really don't know, I guess about 27 or 28 years ago I first got acquainted with him.

Q Did you know his first wife? A Yes, sir.

Q What was her name? A Mary Hicks.

Q What was her name before she married him? A Ridge.

Q Who was her mother? A Kate Ridge.

Q Where does Kate Ridge live now? A She lives on yonder side of Grand river.

Q What post office? A Spavinaw I think that is her post office name.

Q Do you know whether she is the same Kate Ridge who applied here the other day for enrollment? A Yes, sir, she is the same one applied up at the other table.

Mr. Smith: I will just ask to have the copies of the testimony in the Ridge case filed with this case.

Fred Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Fred Martin.

Q How old are you? A 43.

Q What is your post-office? A Spavinaw.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know Dennis Hicks, the applicant in this case?

A Yes, sir.

Q What is her name? A Dennis Hicks, he was Dennis Holt before he married her.

Q How long has he been married to her? A I don't know just exactly how long he has been married, but I know he is married.

Q Do you know what his present name is?

A Yes, sir.

Q They are recognized in the community as husband and wife?
A Yes, sir.
Q How long have you known her? A Well, I don't know, I have known her a long time.
Q Was she ever married before she married this man? A I don't know.
Q Has she any children? A She has one to my personal knowledge.
Q But you don't know whether she has ever been married or not?
A No, sir I don't know whether she has ever married.
Q Have you ever known her to live with another man as husband and wife? A No, sir, except Dennis.

Dennis Hicks, recalled, testified:

Mr. Smith: Dennis, your present wife claims to be entitled to be enrolled upon the freedman roll in her own right? A Yes, sir.
Q What proof does she depend upon in her case? A That proof present this evening or not? A I don't know that it is, I think they are out west somewhere.
Q She will have to get that proof and make it in addition to the proof in your case, and it will all be one case then.

Commissioner: The applicant applies for the enrollment of himself, his wife and five minor children. The applicant is shown by the marriage license and certificate filed herewith to have been married in accordance with the Cherokee laws to his first wife, now deceased, one Mary Hicks, in 1892, they having previously been married according to the testimony under United States law. The applicant is a colored man and he claims as a Cherokee Freedman by intermarriage. He states that neither he or his first wife were ever previously married. He is not upon any roll, and his first wife is not upon the roll of 1830 or upon that of 1896, or upon the Kerns-Clifton roll.
Q How old was your wife, Mary Hicks, when she died? A She was about 42.

The Wallace roll examined, and Mary Hicks identified thereon, page 118, No. 2485, Coconawapowee district.

She is identified on the Wallace roll. Reference is made to the testimony as to her status, and also to the case of her mother, Bettie Hicks, Cherokee Freedman Doubtful card D 295 and the applicant will now be listed on a doubtful card as a Cherokee Freedman by intermarriage.

His present wife, for whom he makes application, Bettie Hicks, is identified on the Kerns-Clifton roll, but not upon the roll of 1830 or 1896. But little testimony has so far been taken in her case, and to await further identification of the status of this woman, she will be listed for enrollment as a Cherokee Freedman on a doubtful card. The applicant's marriage to his second wife will also enter into his own status as far as he may possess a right by intermarriage, and it has been established by satisfactory testimony, but it is not entirely clear whether she was previously married or not, so far as it may affect his rights.

As for the five children named in the testimony, they are all five identified on the Kerns-Clifton roll. These are the applicant's children by his first wife, Mary Hicks. They are living and to await the determination of her status, and for the further consideration of their case, they will now be listed for enrollment as Cherokee Freedmen on a doubtful card. The final decision of the Commission will be made known to the applicant at his post office address.

Mr. Smith: Do you know whether your present wife was ever married before she married you? A I don't know, sir.

Bruce C. Jones, being duly sworn, says that is stenographer to the

Dennis Hicks C

Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce A. Jones,
Sworn to and subscribed before me this 20th day of May, 1901.
(notary seal) C. R. Brockington,
Notary Public.

SUPPLEMENTAL as to Bettie Hicks, D 355.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, P. M., June 12, 1901.

In the matter of the enrollment of Bettie Hicks as a Cherokee Freedman, being sworn and examined by Commissioner Hootles, she testified as follows:

Approaches:

Mr. Smith, of Hottel & Smith for applicant;
Mr. Davenport, for the Cherokee Nation.

- Q What is your name? A Bettie Hicks.
Q How old are you? A Going on 64.
Q What is your post-office address? A Vinita.
Q What district do you live in? A I live in two districts, Coomesdown and Delaware, I live in one and keep store in the other, I live in Delaware.
Q Why didn't you apply when we were at Vinita? A Father was sick and I couldn't get off, I had to stay in the store too.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My daughter, Frances Johnson.
Q Has she married? A Yes sir.
Q Has she applied for herself, have you any minor children you desire to apply for? A No sir.
Q Have you any witnesses here? A Yes sir.
MR. SMITH:
Q Who was your mother? A Easter Holt.
Q Was your mother born at Chilaca here yesterday? A Yes sir.
Q Is she the same Easter Holt who applied here yesterday? A Yes sir.
Q Have you any brothers and sisters? A Yes sir, Sallie Miller, John Holt, Teresa Holt, Mosa Holt.
Q Who was your father? A Jess Hicks.
Q Were you born a slave? A Yes sir.
Q Whose slave were you? A Bill Holt.
Q Was he a Cherokee Indian? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q Where were you at the time the Civil War commenced? A At Webbers Falls.
Q Who were you living with? A Bill Holt.
Q Were you his slave when the war commenced? A Yes sir.
Q Did you run out of the Cherokee Nation? A Yes sir.
Q Where did you go? A Fort Smith.
Q When did you return to the Cherokee Nation first after the war? A June, 1865.
Q Where did you go to? A Ft. Gibson.
Q How long did you stay about Ft. Gibson at that time? A I were there some time, over a year.
Q About how old were you at that time, in June, 1865? A I don't know just how old.
Q Well, were you young? A Yes, sir, young woman.
Q You were not married? A No sir.

- Q When did you marry first? A I didn't marry.
- Q You are married now? A Yes sir.
- Q How long have you been married? A Three years, September.
- Q Up to the time you married three years ago, what occupation did you have, what was your business? A Just worked around.
- Q What kind of work did you do? A Any kind of work, worked in hotel most of the time, Chamber work.
- Q You were a Chambermaid? A Yes sir.
- Q How long have you lived at Vinita? A I have lived in Vinita off and on since '79, up until '82, I left there, and then I went away and come back 12 years ago.
- Q After you came back to Ft. Gibson, in '66 I believe you stated that you remained there about a year? A Yes sir.
- Q Where did you go then? A From there to Ft. Scott and from Ft. Scott to Big Creek where my mother was.
- Q Where is Big Creek? A Up here. (Indicating.)
- Q What Nation is it in? A Cherokee Nation.
- Q Do you know of your own knowledge when your mother and brothers, Josh and Tecumseh, came back? A I left them there, fixing to go away with my uncle when I went away.
- Q Left them where? A Ft. Scott.
- Q What was your uncle's name? A Andy Laugherty.
- Q You don't know actually when they reached the Cherokee Nation yourself? A No sir, but time I left them they were fixing to go away and I went to Ft. Gibson.
- Q You didn't come back with them? A No sir, they went with my uncle, and I went to Ft. Gibson, because my sister was down there.
- Q What was your sister's name? A Sallie Miller, is her name now.
- Q DAVENPORT:
- Q You went with your sister? A No sir, my sister went first to Ft. Gibson.
- Q How long after your sister went to Ft. Gibson was it before you went? A Not very long.
- Q Year or such a matter? A No sir.
- Q You went to Ft. Gibson and stayed awhile, and then you went back to Ft. Scott? A Yes sir.
- Q How long did you stay at Ft. Scott, when you went the next time? A Couple of months, probably longer.
- Q When you left Ft. Scott that time where did you go? A I went over to Big Creek.
- Q To what point on Big Creek did you go? A Where my Uncle Andy lived.
- Q Where was your mother at that time? A At Uncle Andy's.
- Q In what country? A Cherokee Nation.
- Q What part of the Cherokee Nation? A On Big Creek there.
- Q Was she in what is known as the Fall leaf place was? A Close to there, some where.
- Q When you came to the Big Creek country was there a man living there named Fallleaf? A I don't know, I didn't stay up there.
- Q You have never heard of that name? A Yes sir, but I didn't know anything about him.
- Q When you left Big Creek where did you go? A I came down to a little place close to there, after they ran the railroad down to Coffeyville they ran to a little place they called Parker, and I worked there until I got some money, and went to Independence, Kansas, and didn't stay there long, and went from there to the Old Agency in the Creek Nation.
- Q How long did you stay at the Old Agency? A About four months, and visited, I went from there to Parsons and from there to Muskogee.
- Q How long did you stay at Parsons? A Two years.
- Q Parsons, Kansas? A Yes sir.
- Q Then where did you go? A To Muskogee.
- Q How long did you stay in Muskogee that time? A About five years.
- Q After you stayed in Muskogee five years where did you go? A To Vinita.

Bettie Hicks 3

- Q That was the time you speak of being in Vinita in '79? A Yes sir.
- Q How long did you stay in Vinita at that time? A I stayed until 1880, and then I went to Eureka Springs. I was sick, and came back in 1880, and worked for Henry Riffert.
- Q You have been out since that time? A On a visit.
- Q You have never been anywhere since 1880? A Just when I would go out to work.
- Q How long have you worked out in seasons since that time? A I don't know.
- Q You have been out several years, you worked at different places? A Yes sir, just little while at a time.
- Q What places have you worked since that time, in the states? A I haven't worked anywhere.
- Q You haven't been anywhere since 1880? A Yes sir, I was out, I left here about '82.
- Q Where did you go then? A I don't know where I did go.
- Q When did you come back to Vinita after you left there in 1880? A In '88, I think.
- Q And have been living there since that time? A Yes sir, right there, sir.
- Q You don't know anything about when your mother came back to the country do you, as to what year it was? A No sir, I don't.
- Q You know your sister Scilla came back before you did? A Yes sir.
- Q You don't know when your brothers came? A They was with my mother three little brothers.
- BY COMMISSIONER NEEDLES:
- Q When were you married? A It will be three years in September.
- Q That your first time? A Yes sir.
- Q When you were going out, in your testimony to Mr. Davenport, going out in the states working, were you a single woman? A Yes sir.
- Q Your mother have a home at that time in the Territory? A Living with my mother.
- Q Is your name on any of the rolls of the Cherokee Nation? A It ought to be on the 1880 roll, but it can't be found.
- Q On any other rolls? A On the Bliston roll.
- Q What was your name before it was Hicks? A Holt.
- Q What is your mother's name? A Ester Holt.
- 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.
- Q You say you have grand children? A Yes sir.
- Q I thought you said you were never married to anybody but Mr. Hicks, four or five years ago? A It will be three years in September. I have one daughter.
- Q Has your daughter applied to be enrolled? A No sir, not yet.
- Q She has not a child? A She has four children.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 20, 1901.

(Signed) F.B. Needles,
Commissioner.

REMAINDER OF THIS CASE TAKEN BY STENOGRAPHER, J.O. ROSSON.

Expt. F.B. Needles dated

June 11th, 1901.

SUBSEQUENT TESTIMONY continued; case of BETTIE HICKS.
Taken and reported by Stenographer M.D. Green.

APPROPRIATE:

Witnesses, Bettie and Scilla, for applicant,
M.D. Green, for Cherokee Nation.

POLLY NIVERT, being sworn by Commissioner T. E. Needles testified as follows: EXAMINATION BY MR. SMITH, of Council for applicant:

- Q State your name. A Polly Nivert.
 Q Where do you live? A Fort Gibson.
 Q How long have you lived there? A All my life.
 Q Do you know Bettie Hicks this applicant? A Yes, sir.
 Q How long have you known her? A I know her just a while before the war.
 Q Was she a slave? A Yes, sir.
 Q How did she belong to? A Old Lady Holt I suppose.
 Q Was Mrs. Holt a Cherokee? A Yes, sir.
 Q Where did she live before the war? A She lived at Webster's Falls on this side of the river.
 Q Where was this applicant, Bettie Hicks, at the time the war commenced? A I don't know, sir.
 Q How long before the war did you see her there at Holt's? A It was a good little while before the war, when the steam boats was running and was coming up to my Mistress' as a visit.
 Q Do you know how long that was before the war? A No, sir, I don't.
 Q When did you see this applicant, Bettie, in the Cherokee Nation after the war closed? A I saw her in Fort Gibson.
 Q When was that? A That was when the Refugees was arriving, I was in there cooking for the refugees, and for the Commissary clerk.
 Q What were the Refugees doing? A They was issuing rations and the clerk was issuing rations to them and I was cook for him.
 Q And you mean the people that had gone out of the Nation during the war? A Yes, sir, that was all getting back to their homes.
 Q Had you been out or remain in the Nation? A I remained in the Nation; I just went out on Pryor Town and come back before peace was made.
 Q Are you yourself a Cherokee Freedman? A No, sir; I am nothing else, I am half Cherokee and Freed as too.
 Q Are you a recognized citizen? A Yes, sir.
 Q On the 1890 roll? A Yes, sir, always has been.
 Q Can you state what year it was that they were issuing those rations? A No, sir, I can't exactly state, it was just after peace was made and they ordered them all to come in.
 Q When you saw her? A Yes, sir.
 Q How long did they issue those rations and keep that up as well as you remember? A I don't know exactly how long; they stopped and began; I could not tell how long I cooked about two years right along there.
 Q Right soon after peace was declared? A Yes, sir, right after peace was declared.
 Q Was she a young woman then? A Yes, sir.
 Q How you saw her over one time before the war when her Mistress came up to your Mistress' house? A Yes, sir.
 Q What was she doing up there? A She was waiting on her.
 Q How many girls would she usually come with her? A She sometimes would have two.
 Q How many sisters did she have up there? A One.
 Q Did you testify in the Saline Miller case yesterday? A Yes, sir.
 Q How when you testified in that case yesterday, didn't you testify that Saline Miller was with Mrs. Holt when she visited your sister, Mary Gibson at the waiting girl for Mrs. Holt? A Yes, sir.
 Q Did you testify that she was with her, now you saw her, didn't you bring her to the court? A Yes, sir, she sometimes bring her to the court.
 Q Did she come here that she visited when she visited Mary Gibson?

Q Well when you spoke of Mrs. Holt having brought Nellie up there as her waiting girl was that the same trip you are talking about now? A No, sir; they come up several times, come on the steam boat named Pilot.

BY MR. DAVENPORT:

Q The same quite often to visit Mrs. Winfrey? A Several times, we were down there several times.

Q She carried her with her? A No, sir, not every time.

Q Then you have been down there and seen her? A Yes, sir; I have been to Mrs. Holt's that is right.

Q And well, a third in First District didn't they? A The Folts are talking about lived at that place.

Q You don't know whether they had ever lived up in First district?

A No, sir.

HARRY STILL, being sworn and examined testified as follows:

BY MR. SMITH:

Q State your name? A Harry Still.

Q Where do you live? A Madison.

Q How old are you? A 34.

Q Do you know this applicant, Bettie Hicks? A Yes, sir.

Q Did you know her before she came? A Yes, sir.

Q Do you know whom she belonged to? A Belonged to Bill Holt.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q When did you first see this applicant, Bettie Hicks, in the Cherokee Nation after the war? A About 72 I believe.

Q Where was that? A Vinita.

Q Have you known her, or rather have you known anything of her whereabouts since that time? A Yes, sir.

Q Have you seen her often or a few times? A Often from the time I come to Vinita.

BY MR. DAVENPORT:

Q Where was Bill Holt living when you knew this woman at this place?

Q His home was, Bill Holt, was down here on the Arkansas, where I saw this woman.

Q What part of the Arkansas? A George Whitacre had a cattle ranch there and that is the first time I saw this woman, in Canadian District, I reckon.

Q Near what point that you can name? A It was not far from the old ranch there.

Q I don't know where the Whitacre Ranch was? A It was on the Arkansas river there, I know I saw Bettie distinctly.

Q On what side of the Arkansas did you see this Bettie as a slave of Bill Holt? A I don't know which side I think it was on the other side.

Q You were there at his place when I was? A No, sir, he was at our place.

Q Did he have all his children down there? A He didn't have all of them, I saw Bettie.

Q Where was Bettie when you saw her? A I don't know.

Q How old was she when the war broke out? A She was pretty young, grown woman.

Q Grown woman? A Looked like to be.

Q And you don't know where it was you saw her? A I don't know, I know distinctly I saw her when I went to Kansas.

Q How many districts has Bettie? A She had Nellie.

Q Which is the slave, Nellie or Bettie? A I don't know, I think Nellie is the eldest.

Q And you don't know which side of the river Bill Holt's place was on? A No, sir.

Q Which side of the river was the Whitacre's ranch? A On the North side.

Q And Vinita Creek? A On this side I reckon.

Q And on which side of the river was Bill Whitacre's ranch on?

A On the East side, I think it was.

GOV. S. J. H. ... the attorney for the applicant ...

Supl FD#365 Cont'd 3 (6)

application of Joshua Holt for enrollment as a Cherokee Freedman be made a part of the record in the case at bar; said Joshua Holt having been listed for enrollment on Doubtful card #544, and a copy of said testimony will be filed with the testimony taken in the case of the applicant.

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J.O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O. Rossen.

Subscribed and sworn to before me this 24th day of June, 1901.

(signed) T.B. Needles,
Commissioner.

H.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

H.D. Green

Subscribed and sworn to before me this September 7th, 1901.



Commissioner.

RECEIVED
SEP 10 1901

To be filed with case of

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
OKLAHOMA, I.T., JUNE 10, 1901.

In the matter of the application of Joshua Holt for the enrollment of himself, wife and six children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

APPEARANCES:

Mr. Smith, of Hollivette & Smith, for applicant;
Mr. H. W. Hastings, for the Cherokee Nation.

- Q What is your name? A Joshua Holt.
Q How old are you? A 32.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cowassee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Wallace and Clinton.
Q Not on the roll of 1890 then? A No, sir.
Q Who do you want to enroll besides yourself? A My mother first.
Q Well the second? A My wife and children and self.
Q Where is your mother? A She is out there.
Q She can appear for herself? A She is so old she don't have any recollection. I think she is pretty near a hundred years old, and not able to give in hardly.
Q Can't you let your mother come and apply, and you can be a witness for her.
Q Your wife and children, you say? A Yes, sir.
Q What is your wife's name? A Jane Holt.
Q How old is she? A 32.
Q What are the names of your children? A Laura Holt.
Q How old? A 19.
Q Next one? A Ella Holt, 13.
Q Next one? A Jessie Holt, 10; Willard Holt, 9; Clifford Holt, 5; Maurelia, three months old.
Q That's six children? A Yes, sir.
Q Are these children all living at this time? A Yes, sir.
Q Living with you? A Yes, sir.
Q What was your wife's father's name? A Anderson Johnson.
Q Was he a Cherokee Freedman? A Yes, sir.
Q When did he die? A About 20 years.
Q What is her mother's name? A Dinah.
Q Is she living? A No, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is your wife's father's name on the roll of 1890? A No, sir.
Q You say your name is on the Wallace and Clinton roll? A Yes, sir.
Q Is it on the Wallace roll? A Yes, sir.

Commissioner Needles, on the roll of citizens of the Cherokee Nation examined the applicant's identified papers as follows:
Page 147, Roll 1, Cowassee District;
Page 147, Roll 1, Cowassee District;
Page 147, Roll 1, Cowassee District;
Page 147, Roll 1, Cowassee District;
Page 147, Roll 1, Cowassee District;
Page 147, Roll 1, Cowassee District;
Page 147, Roll 1, Cowassee District;
Page 147, Roll 1, Cowassee District;
Page 147, Roll 1, Cowassee District;
Page 147, Roll 1, Cowassee District.

Q You didn't say for Clinton and Wallace? A No, sir.

Wallace roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 117, #2476, Josh Holt, "District, Fort Scott, Kansas."
page 117, #2477, Jane Holt, "Fort Scott, Kansas."
page 117, #2478, Laura Holt, "Fort Scott, Kansas."

ESTHER HOLT, being sworn and examined by Com'r Needles, testified as follows:

- Q What is your name? A Esther Holt.
Q How old are you? A Along about 26.
Q What is your post office? A Vinita.
Q What district do you live in? A Cowascombowe.

APPLICANT recalled, and further examined: By Mr. Smith:

- Q How old are you? A 35.
Q Where do you live? A Vinita, Indian Territory.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Bill and Nellie Holt.
Q Were they citizens of the Cherokee Nation, Indian Territory?
A Yes, sir.
Q Where were you when the Civil War commenced? A I was at Webbers Falls, Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A Fort Scott, Kansas.
Q When did you return to the Cherokee Nation first after the war?
A '66, in August.
Q Who was with you? A Andy Daugherty, my mother and two brothers.
Q What was your brothers name? A Tecumseh Holt and James Holt.
Q Where is James Holt? A I have not seen James Holt for twenty years.
Q You don't know where he is? A No, sir.
Q Where is Tecumseh Holt? A He is here somewhere.
Q Where does he live? A Vinita.
Q What is your mother's name? A Esther Holt.
Q What was your father's name? A Jonas Pack.
Q Where did he die? A He died when the emigrants left this Nation going to California about 1849.
Q You spoke of your mother and yourself and brother Tecumseh and another brother named James, coming here to the Cherokee Nation after the war in '66, where did you come to? A Came to Big Creek.
Q Near what point as the country is developed now? A I don't understand you.
Q I mean to say at what point on Big Creek did you come?
A Near about in the settlement you have reference to?
Q Yes? A Up there about where Reuben Johnson lives and Mike Whitmire.
Q Near what place is that now? A It was on George Duffin.
Q I mean as to what post office is it now? A Near Bann, Kansas.
Q How far is it from where Hayden is now? A I don't know, Hudson may be closer I think, Hudson post office is nearer than Mina Kansas.
Q You think it is nearer what is now Hudson? A Yes, sir.
Q How long did you live there at that place you have mentioned?
A I lived there off and on and so there and work and come back again.
Q Well, you were then about how old? A I can't tell exactly how old I was about that time.
Q Were you married? A I was unmarried at that time.
Q When did you marry? A I married in 1898.
Q Were you ever married before that? A No, sir.
Q Were you a single man from '66 up to 1897? A Yes, sir.
Q Do you mean '90, three years ago? A 1898.
Q When you were mistaken when you said 1897? A Yes, sir, I was mistaken.

Q Where are these children, Laura Holt, Ella Holt, Jesse Holt, Willard, Clifford and Maucelia? A They are living in Vinita.

Q How long have they been living there? A They have been living in Vinita I guess for 12 or 13 years.

Q They are living with you? A Yes, sir.

Q You stated that you worked around from place to place, where was your mother after you come back to the Cherokee Nation? A She was there sometimes and she worked off sometimes and worked and come back again.

Q Where does your mother live now? A Vinita.

Q How long has she been living at Vinita? A I guess 13 or 14 years

Q Was your mother a slave? A Yes, sir.

Q Who did she belong to? A Bill and Nellie Holt.

Q The same persons you have mentioned in your own testimony?

A Yes, sir.

Q Where was your mother when the Civil War commenced?

A Webbers Falls, Cherokee Nation.

Q Did she or did she not go out at the same time you did?

A She went out at the same time I did.

EXAMINED BY COM'R NEEDLES:

Q Do you live in Vinita? A Yes, sir.

Q Why didn't you appear before the Commission at Vinita when we were there? A My mother was sick and she wasn't able to get there; that's just the reason, I didn't appear at that commission.

BY MR. HASTINGS:

Q Your present wife is the only wife you have ever had? A Yes, sir.

Q You testified that you married her in 1889? A 1889.

Q Your oldest child is 19 years of age, you have given, Laura?

A Yes, sir, she is my stepchild, my wife's child, Laura and Ella both.

Q Didn't you apply for your daughter Laura and Ella to be put on the Kern-Clifton roll? A I applied for them, yes, sir.

Q Did you then say anything about their being your step-children?

A I think I did, I am not certain.

Q What was your wife's maiden name? A Jane Johnson.

Q Where was she born? A Big Creek, Indian Territory, Cooweescoowee district.

Q How old is she? A I think she is now about 32 years old, 30 or 32.

Q Who was her father? A Anderson Johnson.

Q Who was her mother? A Dinah Johnson.

Q Where did you marry her? A Cooweescoowee district, Big Creek.

Q Who married you? A Peter Meigs.

Q Does she claim to be a Cherokee freedman? A Yes, sir.

Q Freed woman? A Yes, sir.

Q Did she apply before to the Kern-Clifton Commission? A Yes, sir.

Q By what name? A In 1896?

Q Yes, sir? A Jane Holt.

Q Where did you move to Vinita from? A I were living at Big creek, and I went up to Ft. Scott I think that was in 1889, and went from there to Vinita just before the Wallace court.

Q But you came from Ft. Scott down to Vinita? A Yes, sir.

Q Did you bring your wife with you? A Yes, sir, we was up there working, I hadn't moved up there.

Q But your wife was with you? A Yes, sir.

Q What was you doing up there? A I was cooking up there.

Q Who for? A Man named W. H. Robinson.

Q He was living there was he? A Yes, sir.

Q Colored man? A No, sir, he was a white man.

Q How long had you been in Ft. Scott when you came to Vinita?

A 1889 I believe it was '89 or '90.

Q I say how long had you been up there when you came down to Vinita? A I don't know just how long.

Q Well, about how long? A I can't tell you. I come back before the Wallace taken the census.

Q You don't know how long you had been up there? A Not exactly.

Q About how many years? A I tell you I don't know.

Q You can make some sort of an estimate? A Well, about up there a year, not quite a year.

Q Were you up there more than a year? A I don't think I was.

Q Hadn't you been up there ever since 1889? A Up in Ft. Scott.

Q Yes? A Why certainly not.

Q Then you deny positively that you were there more than two years? A Yes, sir, I do, at a time.

Q Where was your oldest child, Jesse, born? A Jesse was born in Vinita.

Q Have you been living in Vinita since 1889? A Yes, sir.

Q All the time? A Except when I was out working.

Q Where were you out working? A I were out at Lawrence, working and I was at Paola and I was at Wear City, Kansas, working.

Q Where else were you working? A I worked there at Chetopa.

Q Working in Ft. Scott? A Since '89?

Q Yes? A I don't think I have.

Q How much of this time since 1889 have you actually resided in Vinita up there personally present? A I have been there pretty regular ever since 1892.

Q How many years? A Well all the way along.

Q Have you been there now for the past nine years all the time, continuously? A Yes, sir, except when I was working out of town you

Q I want to know how much time you have been working out?

A I could not tell you that, because I don't know, but altogether wouldn't make a year.

Q There was your wife at that time, in Vinita all this time?

A She was in Vinita.

Q She never went out with you when you worked out? A Not since 1889 she hasn't.

Q Where was this next child Willard born? A In Vinita.

Q Where was the next, Clifford? A In Vinita.

Q Where was Maucelia born? A Vinita.

Q All four of these children were born in Vinita were they?

A Yes, sir.

Q Who did you come down to the Cherokee Nation with after the war?

A Andy Daugherty.

Q Didn't Andy Daugherty have a place down there when you came?

A Yes, sir.

Q He had a house up? A Yes, sir.

Q He had a patch of corn in? A Had a little corn in.

Q When you come? A Yes, sir.

Q Who else had a house down there when you came? A I think Uncle Mike Whitmore had a house and Reuben Johnson had a house and Anderson Johnson had a house and Harrison Johnson had a house.

Q George Dorrin? A I think so, I am not certain.

Q Was Uncle Peter Ward living down there then? A I don't know.

Q Was Reuben and Tuck Sanders? A Yes, sir.

Q Did they have small crops of corn too? A I wasn't on their place, would see them passing back and forth, I guess they lived there.

Q Didn't all these people that you have mentioned have corn?

A I can't know; Uncle Andy Daugherty did and I believe Whitmore did.

Q What time did you come there? A In August.

Q How long did you remain when you came in August? A I must have stayed there about six or eight months before I went away.

Q Where did you go to? A I think I went to Lawrence I believe.

Q Where was your mother at that time? A When I left I left her on Big Creek, at Andy Daugherty's.

Q She came down with you did she? A When she first came from Kansas? Yes.

Q How long did she stay down there? A I don't know how long she stayed altogether.

Q How long did she stay before she went back? A She probably stayed a year.

Q Then she went down to Ft. Scott? A Yes, sir, and worked a year and came back again.

Q Did she keep house up at Ft. Scott? A She was working around there, she used to keep house.

Q You lived with her up there, and your brothers? A Yes, we kept house up there in '64 and '5.

Q You didn't live in a Government building up there? A I didn't.

Q Did your mother? A Not as I know of.

Q You didn't live with her up there? A I was with her up there, in '64 and '5.

Q After that time were you with her? A I was with her at the Daugherty's when she was there.

Q Were you with your mother in '66 in Kansas? A I would see her up there when I was working up there and she was working up there.

Q Did you see her in Ft. Scott, Kansas? A Yes, sir.

Q What year was that? A I can't tell you.

Q Did you see her in '66? A We came down here in '66.

Q Did you see her in Ft. Scott, Kansas, in '67? A I think she remained here all that time.

Q Did you see her in Ft. Scott, Kansas, in the year '67? A No, sir.

Q Did you see her in '68 in Ft. Scott, Kansas? A Yes, sir/ She was there working in '68.

Q And you were there? A I think I came through Lawrence and I see her first one place and another.

Q And where was your brother, Tecumseh? A I think he was living up there.

Q You never made a home in Kansas? A No, sir.

Q Never had one? A Yes, sir, I built one about two years ago.

Q You never had one on Big Creek? A No, sir, I came there with my uncle and never made a home until 2 years ago, I built a home two years ago.

Q You never had a separate house there on Big Creek? A No, sir.

Q I want to know where you lived from '66 to '89? A Sometimes I lived on Big Creek. In 1865 I lived on Andy Daugherty's, and went to Vinita.

Q Where was your mother then? A She was at Daugherty's.

Q How much of this time has she lived at Daugherty's? A I don't know.

Q You know Jim Foreman? A I do.

Q Did you ever know him in Ft. Scott? A I did.

Q Did you know him there in '68? A I knew him there in '64 and '5.

Q Do you know Simon McKinney? A I did.

Q Did you know him in Ft. Scott, Kansas? A Yes, sir.

Q When did you know him? A '64 and '5.

Q Did you know him about '66? A I saw him after '66.

Q Did you see him about '66? A I saw William Foreman, I don't think I saw Simon.

Q When was the last time you saw William Foreman in Ft. Scott, Kansas? A I don't remember.

Q Did you see him during the year of '66, '67, '68 or '69? A I didn't see him in '66, and I never saw him in '67 or '69.

Q Did you see him in '68? A No, sir.

- Q Where did you stay, where did you live up to the time you were married? A I lived on Big Creek.
- Q At whose house? A At Andy Daugherty's.
- Q Was he related to you? A My uncle.
- Q What is your occupation, you spoke of working? A I am a cook, and I am a painter.
- Q Now after you were married and after 1889 you were asked when you first built a home, do you mean by that that you now own your own home, or what do you mean? A Yes, sir, I own my own home now.
- Q Had you any home place to keep house to live in before you built that two years ago? A I was renting a house to live in.
- Q Where? A Vinita.
- Q What kind of work did you mother do? A She was washing out and sometimes cooking.
- Q Did you have sisters? A Yes, sir.
- Q What were your sister's names? A Sallie and Bettie.
- Q What is Bettie's name now? A Bettie Hicks.
- Q Who was she married to? A Dennis Hicks.
- Q Up to the time she married Dennis Hicks what was her chief occupation? A She worked around hotels and such work as that. Hired out.
- Q Do you know of your own personal knowledge when she came back to the Cherokee Nation, or not? A No, sir, I don't.
- Q Do you know of your own personal knowledge when Sarah came back? A No, sir.
- Q You know whether they were slaves before the war? A Yes, sir.
- Q Who did they belong to? A Bill and Nellie Holt, same man I did.
- By Com'r Needles: You say you were living on Big Creek?
- A Yes, sir.
- Q No town there? A No, sir.
- Q Were you a farmer? A No, sir.
- Q What occupation was you following on Big Creek? A My uncle was a farmer and I was living with him, and I worked out there, working and come back there for my home.
- Q How long did you live there? A I pulled out from there in '85.
- Q You made that your headquarters then? A Yes, sir.
- Q Your uncle was a farmer? A Yes, sir.
- Q You didn't pretend to farm yourself? A No, sir.
- By Mr. Hastings: How many brothers did you have? A Had four, three besides myself.
- Q And your mother? A Yes, sir.
- Q And you all made your Uncle Andy Daugherty's place your headquarters? A Not all of us, I had one brother that never came there at all.
- Q Your two brothers and your mother and yourself? A Yes, sir.
- Q You never lived in separate houses? A No, sir.
- Q Where was your sister Bettie married? A She was married in Vinita.
- Q When? A I don't know how many years ago it has been since she got married.
- Q Since you came there? A Since I have been in Vinita, yes sir.
- Q Hadn't she ever been married before? A No, sir, not to my knowing.
- Q Where did she come from when she came to Vinita? A I don't know, she wasn't with us, she had been working down about Gibson, and places around there.
- Q Your sister older than you? A Yes, sir.
- Q Where is she living? A In Vinita.
- Q How long has she been living there? A I don't know.
- Q Since or before you moved there? A She has moved there since I moved there.

Q Where did she come from? A She had been working down about Ft. Gibson I believe, or Tahlequah, I don't know whether she come from there or where.

Q When was the last time you saw her in Ft. Scott? A I don't know.

Q Since the war? A I think I have, but I am not certain.

Q Not positive? A No, sir.

Q She didn't live with you there in '67, '3 and '4? A No, sir, she never did live with me.

Q You know where she married? A No, sir.

Q Did she marry a state raised man? A I don't know whether the man was a state raised man or not, I couldn't tell anything about that.

Q By Com'r Needles: Now as to your wife, you say her father's name was Anderson Johnson? A Yes, sir.

Q And her mother's name was Dinah? A Yes, sir.

Q Were they slaves? A Yes, sir, both of them.

Q Who did they belong to? A Anderson Johnson belonged to a Cherokee named Ben Johnson, and my wife's mother belonged to a man named Chandler, in Arkansas.

Q In Arkansas? A Yes, sir.

Q Slaves of an Arkansas man? A Yes, sir.

Q Her father was owned by a Cherokee? A Yes, sir.

Q And his wife was owned by a citizen of the State of Arkansas? A Yes, sir.

Q Did your wife's father and mother go outside of the Cherokee Nation during the war? A Yes, sir.

Q When did they return? A They moved to Big Creek in '66.

Q How do you know? A I was there, I lived close to them.

Q Was Jane born after that or before that? A She was born after they moved there.

Q I forget whether you stated your wife's father and mother were both living or not? A They are both dead.

Q Your wife Jane been living in the Cherokee Nation ever since '66? A Yes, sir, except when she was just out visiting.

Q Except when she was out with you? A Yes, sir.

Q You don't know whether she was married before you married her or not? A No, sir.

Q You know she had these two children? A Yes, sir.

Q Are these children living with you now? A Yes, sir.

Q By Attorney Smith: You know who was the reputed father of these two children? A Man said to be named Oaker Deason.

Q Is he living or dead? A Last I heard of him he was living.

Q By Com'r Needles: Colored man? A Yes, sir.

Q By Mr. Smith: Where is your wife? A I don't know whether she is in the crowd or not, she is here in camp somewhere.

Q Have you a certificate of your marriage to her? A No, sir, I just married by a preacher.

Q Who married you? A Peter Meigs.

Q Is he living or dead? A He is dead.

Q Is there anyone around the camp who saw you married? A The family was there; her two sisters were there, and I was to have them here but they went to Fort Gibson.

Q There is no one here that saw you married? A No, sir.

Q By Mr. Hastings: How long had you known your wife before you married her? A I knew her from a child.

Q You know whether she lived with this man as husband and wife or not? A I know she lived with him, I don't know whether they were married or not.

Q How long did she live with him? A She was here lived with him four or five years.

Q She lived with him from the time she gave birth to the first one until she gave birth to the last one? A Yes, sir.

Q Called it a house together with him? A Yes, sir.

Q You don't know whether they were married or not? A No, sir, I don't.
 Q You lived at Webster Falls when the war came up? A Yes, sir.
 Q You went out north? A Yes, sir.
 Q And did you go north? A Went out with the soldiers, soldiers come there at night and taken us out.
 Q Were you living with Will and Nellie Holt at Webster Falls?
 A Yes, sir.
 Q Did they have children? A Yes, sir.
 Q What were their names? A Lenny Whitmore, Robinson Whitmore's wife.
 Q How far did you live from Webster Falls? A I lived about a mile and a half on the other side of Webster Falls.

APPLICANT'S MOTHER re-called, and further examined.

By Mr. Hastings: Aunty, where do you live now? A Vinita.
 Q Who do you live with over there? A I live with my son.
 Q What is his name? A Teomawek Holt.
 Q Teomawek got a wife? A Yes, sir, he has got a wife.
 Q What is her name, aunty? A Named Sarah Holt.
 Q Got some children? A Got one.
 Q How old is it? A I don't know.
 Q About how old is it a child grown? A Yes, sir, it is grown.
 Q Is the child married? A No.
 Q Boy or girl? A She is a girl.
 Q Where did Teomawek marry? A I don't know, I am forgetful, my head is not right.
 Q You were present when he married? A No, sir, I think he married in Osawego.
 Q You wasn't there? A No, sir.
 Q Now aunty, you came from Ft. Scott down to Vinita didn't you?
 A Yes, sir, when I did come down there.
 Q Now aunty, when did you come down there, how many years ago?
 A My brother went up there and brought me down and three boys went to get provisions, everything was very scarce down here at that time, and he brought us and the children down here, he said they were going to make a treaty and he brought us down.
 Q And you came did you? A Yes, sir, I came in his wagon.
 Q Did he have a house here at that time? A Yes, sir.
 Q He had a little field? A Yes, sir, small field.
 Q What was your brother's name? A Andy Daugherty.
 Q There was other people living around in the neighborhood were there? A Yes, sir.
 Q About what time of the year was it, April, May, June, July, August, September, Spring, Winter, Summer or what? A It was been so long I don't remember.
 Q Warm weather, or cold? A I don't know whether it was warm or cold.
 Q How long had your brother been living down here when you came?
 A I don't know, he was living down here and had his house built when he brought me down.
 Q Been living here a year or two? A Maybe longer and maybe not so long, I don't know.
 Q How long did you stay down here with your brother at that time?
 A When he brought me down.
 Q Yes? A I stayed a year or two, I don't know.
 Q Then you went back to Ft. Scott, did you? A Yes, sir, I went back to Ft. Scott.
 Q What were you doing up at Ft. Scott? A Working around, trying to make an honest living.
 Q You lived in a Government building didn't you? A Yes, I stayed up there, took in washing.
 Q Before the war? A Yes, sir.

Q Did you know James Foreman? A Yes, sir.
Q How long was it until you came down to visit your brother again?
Did you ever see him any more? A After I went up there.
Q Yes? A Yes, sir.
Q How long was it until you saw him again? A Five or six months,
maybe seven or eight, I don't know.
Q You never had any more done here? A No, I made no more with
him.
Q Whenever you came? A Yes, sir.
Q Where were your boys when you went back up to St. Scott? Were
they up there with you? A Yes, was smoking somewhere.
Q Was he smoking up there? A No, really.
Q Did John ever have a wife before he got this woman, live with
another woman or his wife? A Not that I know of.
Q Never had no children by any other woman? A Not as I know of.
Q You were living up there in St. Scott when the Wallace document
was made wasn't you Andy? A No, sir.
Q Where were you? A I don't remember.
Q How long did you live up there at St. Scott after the war?
A I can't tell you.
Q You woulda pretty near all your days haven't you come up to the
Wallace court? A No, sir.
Q Did you work any down here before the Wallace court? A No, sir.
I haven't worked before the Wallace court. I have never been able
broke up with the rheumatism.
Q About all the work you done was in Kansas? A I couldn't get no
work here to do.
Q I say about all the work you done was in Kansas? A No, not
all that I done.
Q The did you work for down here before the Wallace court?
A Oh I went around waiting on women, and some home and out some
and laid down, then I was called I would go.
By Mr. Smith: How old are you, Aunt Esther? A About 86,
that's the age they give me; I don't know my age; I was 15 years
old the time the stars fell, and the Commissioners have been trying
to get my age from that, I don't know.
Q Don't be silly, what was 32 when the stars fell, I was there my-
self and saw them fall.
Q That was it you said about having rheumatism? A I said I have
rheumatism so I can't do very much.
Q You live with one of your sons? A I live with Benjamin.
Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A William Wells and Willie Wells.
Q Were they Cherokee Indians? A Yes, sir.
Q Where did they live? A Webster Falls.
A How many children had you at the time the war commenced, besides
Joshua? A Sallie and Mary and Maria and Joshua.
Q And who do you live with now? A I live with Benjamin.
Q Was Benjamin born before the war or after? A Before the war.
Q Is he married now? A Yes, sir.
Q Who is he married to? A Della Jackson.
Q Where is she living? A In Virginia.
Q What is her name? A Sallie Miller, she married a man
named Miller.
Q And lived at Virginia? A Yes, sir.
Q Were these children made when you were a slave? A Yes, sir.
Q Who did they belong to? A William Wells.
Q Was Benjamin you belonged to? A Yes, sir.
Q What was it you said about your brother coming down to see you
there, and about a tertiary? A I don't know what a tertiary is, I
never heard of it.

they would go up and get provisions and catch me and the children down, said they was going to make a treaty, and he wanted us to be here, and brought us down.

Q Who did he bring of your family? A Joshua, Rebecca and Jimmie.

Q And you? A Yes, sir, brought four.

BY MR. HASTINGS: Bring your daughter Callie? A No, sir, she was down here long before I was.

Q She lives in Vinita doesn't she? A She lives in Vinita now, she did not live in Vinita at that time; she was in Ft. Chabon and about Big Creek sometimes.

APPLICANT, JOHUA ROLT, re-called, and examined by Gen'l Feedles:

Q Esther Rolt your mother? A Yes, sir.

Q She is the witness that's on the stand here now? A Yes, sir.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A Bill and Nellie Rolt.

Q They Cherokee citizens? A Yes, sir.

Q She went to Kansas didn't she? A Yes, sir.

Q When did she return? A '66.

Q Returned with you? A Yes, sir, and my uncle and two brothers.

Q Where has she been living ever since that? A She lived on Big Creek a while, and she has been living in Vinita.

Q She never got back to Kansas afterwards? A Yes, sir.

Q How long did she remain there? A She would go out and work sometimes, and she would be gone six months, seven months, eight months, something like that, and come down on Big Creek again.

Q Did she have a home in this Nation? A No, sir.

Q Who was she living with? A With her mother up on Big Creek except when she was working out.

Q Was she married then? A No, sir.

Q Her husband wasn't living then? A No, sir.

BY MR. HASTINGS: How long has Rebecca been living in Vinita?

A I don't know how long he has been living in Vinita.

Q Well, your best judgment, how long has he lived there five years?

A Yes, sir, I guess he has been living there five years or to ten years, I can't tell.

Q You know where he came from? A I think he had been working on a railroad.

Q Where? A Down on this side, I'm thinking.

Q To Texas? A Yes, sir, I am thinking he had been working there, I am not certain.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Witness my hand and seal this 18th day of June, 1901.

Subscribed and sworn to before me this 18th day, 1901.

Notary Public for Oklahoma.

Commission Expires _____

CONTINUATION OF THE CASE OF JOHUA ROLT, BY STENOGRAPHER M. D. GREEN.

JOSHUA HOLT, et al., Application continued. Former portion reported by stenographer M. D. Green.

APPEARANCES:

Messrs. William O. Smith, for Applicants;
Mr. W. W. Hastings, for Cherokee Nation;

WILLIAM RILEY, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH, of Counsel for Applicants:

- Q State your name? A William Riley.
Q Where do you live? A Chelsea.
Q Do you know this applicant, Joshua Holt? A Yes, sir.
Q Did you know his mother? A Not very well acquainted with his mother, I knew her.
Q How long have you known him? A I don't know, sir, how long I have known him exactly.
Q How old are you? A 51.
Q Did you know him before the war? A No, sir.
Q When did you first get acquainted with him after the war? A First time I saw him I saw him on his uncle's place on Big Creek.
Q When was that? A It was some years ago, I don't know just exactly how long it was.
Q His wife was who? A Andy Daugherty.
Q Will give us your best opinion, judgment, as to when it was if you can when you saw him? A Well, I don't know exactly what year it was.
Q How long ago was it? A I expect it must have been 22 years ago.
Q You hadn't known him before that? A No, sir.
Q You don't know when he belonged to? A No, sir.

COLUMBUS McNAIR, being sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

- Q State your name? A Columbus McNaair.
Q How old are you? A 51 years of age.
Q What is your post office? A Vinita.
Q Do you know this applicant, Joshua Holt? A Yes, sir, I know him was a baby.
Q Did you know him before the war? A I knew him just a little before the war came up.
Q Do you know who he belonged to? A Yes, sir, belonged to William Holt.
Q Was William Holt a Cherokee Indian? A Yes, sir.
Q Do you know what became of Joshua during the war? A No, sir, I don't know nothing about it.
Q When did you first see him back in the Cherokee nation after the war? A Well, sir, I just can't remember what time it was I saw him back.
Q Well, where did you see him when you saw him back? A The first time I saw him after the war was up here on Verdigris.
Q At what place? A Geopelock Bend.
Q Do you know how long ago that has been? A Well, that was something before 1880.
Q Do you know how long before 1880? A No, sir.
Q Do you know where he was in 1880? A No, I don't know where he was in 1880.
Q Do you know where he was in 1860? A No, sir, I don't.
Q Did you know his mother, Mother Holt? A Yes, sir, I am acquainted with her.
Q Do you know where she was in 1860? A No, sir, I don't.

BY MR. HASTINGS:

Q Where did you live before the war, Columbus? A Right across Grand river in Saline district.

Q Where did Joshua Holt and his mother live? A In Illinois district.

Q How far was that from you? A When I got acquainted with them I was working at John Daniels' in Canadian district.

Q How far were you working from him? A Just across the river there at John Daniels at the old place.

Q You were working there when the war came up? A Yes, sir.

Q And you knew those people? A Yes, sir.

Q You didn't see them for years after the war? A No, sir.

By Com'r Needles: Did you know Joshua's wife's father and mother? A Yes, sir.

Q What was their name? A Anderson Johnson was her father and Dinah was her mother.

Q Were they slaves? A Anderson Johnson was, I don't know anything about their mother.

Q Do you know whether they were married or not? A No, sir.

Q Do you know they lived together as man and wife? A Yes, sir.

Q How long? A I can't say, they were living together when I saw him.

Q Do you know how many children they had? A No, sir, I don't know how many children they had at all.

Q Where was that? A It was on Big creek when I got acquainted with him.

Q After the war? A Since the war.

Q You never knew them at all before the war? A No, sir.

Q You know Jane you say? A Yes, sir.

Q Where was Jane living when you first knew her? A She was living there with her father.

Q Was she married? A No, sir.

Q Living with her father Anderson? A Yes, sir.

Q Do you know whether Anderson went out of the nation during the war? A I wasn't acquainted with him.

Q Don't know whether he went and when he came back? A No, sir.

By Com'r Hastings: Did you ever know Joshua Holt in Fort Scott?

A No, sir.

Q Did you know his mother, father? A No, sir, I never seen either one of them up there.

Q How long has Joshua been up to Virginia? A I ain't able to say, 12 or 13 years an' away.

Q How long has his mother? A She has been there about as long as he has.

Q How long has Tecumseh been there? A They come there together. They come there about the Wallace court, before the Wallace court, and been there ever since; Joshua lived there before that time.

Q The Wallace court was in 1890 wasn't it? A I guess so, I didn't take any particular notice.

JOSEPH HOLT, the applicant, recalled. By Com'r Needles:

Q Joshua, did Anderson Johnson, your father-in-law, go out of the Cherokee Nation during the war? A He was a soldier.

Q In what army? A In the 4th or 14th United States Infantry Colored, 14th I think.

Q Where was he discharged, do you know? A I think he was discharged at Fort Leavenworth.

Q When did he return to the Cherokee Nation? A '66.

Q How do you know that? A I saw him on Big creek.

Q In '66? A Yes, sir.

Q Was his wife living there with him then? A Yes, sir.

Q Jane your wife living with him? A She was born on Big creek.

Q You saw him there in '66? A Yes, sir.

Q Was he there when you came or you were before him? A No, sir, there wasn't no one.

JOSHUA HOLT:—Joshua Holt applies for the enrollment of himself, his wife, Jane, his two stepchildren, Laura and Ella Benson, and his two four children, Jessie, Willard, Clifford and Maudie Holt. He cannot be identified upon the authenticated roll of 1880 or census roll of 1890, upon examination; neither can his wife. He is identified as well as his wife on the Kern-Clifton and Wallace rolls according to the page and number of the rolls as indicated in the testimony, and his older stepchild, Laura, is identified upon the Wallace roll and Kern-Clifton roll. His remaining stepchild and his four children, Jessie, Willard, Clifford and Maudie, are not identified upon said rolls, having been born after said roll was compiled. He avers that he is a child of Esther Holt, and that his wife is the daughter of Anderson and Dinah Johnson. He avers that Dinah Johnson was a slave of a citizen of the State of Arkansas, and that Anderson Johnson was a slave of a Cherokee citizen. He also avers that Anderson Johnson, father of his wife, was a United States soldier and returned to the Cherokee Nation in the year 1866, where his wife, Jane, was born. Anderson Johnson being a Cherokee slave and his wife, Dinah being a slave of a citizen of the State of Arkansas, it will be necessary to make satisfactory proof of the marriage between the said Anderson Johnson and the said Dinah Johnson in order to establish the citizenship of his wife, Jane; and it will also be necessary for satisfactory proof of marriage to be made between Joshua Holt and his wife, Jane, in order to establish the citizenship of his children, in case the citizenship and marriage of Jane's mother is not fully proven. By reason of the facts as set forth in the testimony, said Joshua Holt, his wife, Jane, and his two stepchildren, Laura and Ella Benson, and his four children, to-wit: Jessie, Willard, Clifford and Maudie, will be listed for enrollment as Cherokee freedmen upon a doubtful card. The fact that his two children's Clifford and Maudie, names do not appear upon any rolls of the Cherokee Nation it will be necessary for him to file satisfactory proof of birth as to said children.

J. J. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. J. Rosson.

Subscribed and sworn to before me this 31st day of June, 1901.

(Signed) T. B. Needles,

Commissioner.

Supplemental Testimony is U.S. D. 4544.

Joshua Holt et al.

Department of the Interior
 Commission of the Five Civilized Tribes,
 House, I. T., June 29th, 1901.

Mallette & Smith, Attorneys for applicants pretent;
W. W. Hastings, present for the Cherokee Nation.

DANIEL SANDERS, being sworn by Commissioner T. B. Needles,
testified as follows, for the applicants. By W. Smith:

- Q What is your name? A Daniel Sanders.
Q Where do you live? A In the Cherokee Nation.
Q Do you know Anderson Johnson? A Yes, sir.
Q Do you know Dinah Johnson? A Yes, sir.
Q What relation are they? A Man and wife.
Q Where did you first know Anderson Johnson? A In the army.
Q Where did you first know his wife? A At Fort Gibson.
Q Do you know if Anderson Johnson was a slave? A Yes, sir.
Q Who did he belong to? A Ben Johnson.
Q Was he an Indian? A He was a white man married to a Cherokee Indian woman.
Q Was she a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Who did Dinah Johnson belong to? A She came from the states where she belonged to the Finkhouse family.
Q When did Anderson and Dinah marry? A After the war.
Q Do you know if they have any children or not? A Yes, sir, they have.
Q What are their names? A Mary was the oldest one I believe.
Q Do you know the names of any of the others? A I never paid much attention to them.
Q Do you know where they are now? A They are at Vinita.
Q Are they married or single? A Mary is married.
Q Who is she married to? A Joshua Holt.
Q Now is that Mary or Jane? A Jane, yes, it is Jane.
Q Who is the oldest then? A Jane is.
Q You said a while ago that Mary was the oldest? A I know but I think now Jane is.
Q And she is married to Joshua Holt? A Yes, sir.
Q Do you know where Jane was born? A In the Cherokee Nation.
Q Close to where you live? A Yes, sir, 6 or 7 miles.
Q Don't you know where Mary was born? A Myself have been born there too.
Q Do you know any of the other girls? A I think there was three girls in all.
Q Do you know the name of the other one? A I don't know.
Q Would you know it if you heard it? A Yes, sir.
Q Was it Ruth? A Yes, sir.
Q Where were those children born and raised? A On Big creek mostly.
Q How long has Jane been married to Joshua Holt? A Ten years or longer.
Q Do you know when Anderson Johnson came back to the Cherokee Nation? A Yes, sir, in '66 with us.
Q Do you know when Dinah came back? A I don't know exactly the time.
Q Are they living or dead? A Both dead.
Q Where did they die? A Anderson got killed close to where he lived.
Q How long ago was that? A I think it was in '75.
Q How long did Anderson and Dinah live together there? A Until he died.
Q From what time? A I don't know just exactly when he married. Must have been in the fall of '45.
Q And from that time until he was killed they lived together? A Yes, sir.
Q Did they keep house up there? A Yes, sir.
Q Were they received in your community as man and wife? A Yes, sir, I never knewed any difference.

Q What time of the year was it that Anderson Johnson came back here? A Long in August '56.
Q What part of the Nation did he come to? A Big Creek.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q On the roll of 1880? A Yes, sir.

BY HASTINGS: Did you know Johnson's wife before the war?
A No, sir.
Q She was a state raised woman? A Yes, sir.
Q Where did you see her first to know her? A In Kansas, I knowed her stepfather before that.
Q What was his name? A Rube Fancher.
Q Did she have any children before she and Anderson Johnson married?
A No, sir.
Q How old was she when they married? A She wasn't very old.
Q Were they married in Kansas? A I think so.
Q Did he bring his wife with him when he came with you folks?
A Not the first time.
Q What time was it that he came down with you, what time of the year? A Long in '64, long in the month of August.
Q Was that a ben some of you men folks come in advance?
A Yes, sir.
Q Did you have your family with you? A No, sir.
Q They all went back afterwards and brought their families?
A Yes, sir.
Q When did Anderson Johnson bring his wife there? A I don't know just exactly when it was.
Q Can't you be positive as to whether that oldest child was born in the Cherokee Nation or in Kansas? A In the Cherokee Nation, I think, I never heard of her having any children in Kansas.
Q How far did he locate from you? A 7 miles, between 5 and 7 miles close to Albert Morris.

BY SMITH: What time did Anderson Johnson bring his wife down there? A I don't know exactly the time, shortly after that, shortly after he came himself.
Q What is your best judgment? A Not long after he came himself.
Q As much as six months? A Can't have been any longer.
BY HASTINGS: This woman has had some children born to her since her first husband was killed? A I think so, one.
Q What is that child's name? A I don't know, it is a boy.
Q How long after her husband's death before this boy was born?
A I can't tell you that.
Q Two or three years? A Yes, sir, I guess so.
Q He is about grown now? A I haven't seen him for quite a while.
Q Don't know his name? A No, sir.

RUBEN SANDERS called and swore as a witness for the applicant. By Smith:
Q What is your name? A Ruben Sanders.
Q Where do you live? A On Big Creek.
Q Are you a citizen of the Cherokee Nation? A I am.
Q On the roll of 1880? A I am.
Q Do you know Anderson Johnson? A I did.
Q Did you know a woman named Dinah Johnson? A Yes, sir.
Q Do you know what relation they were to each other? A Man and wife.
Q When did you get acquainted with Anderson Johnson? A When he came out of the army.
Q When did he come to the Cherokee Nation after the war? A With us in our wagon.
Q When? A Long in the summer of '66.
Q Was he married then? A He was not.
Q When did you first become acquainted with his wife? A In Kansas.

Q When did you first see her in the Cherokee Nation? A I don't know exactly, several years after we came down here that I saw her down here.

Q Where do you live? A On Big Creek.

Q How far did you live from where Anderson Johnson was killed? A About 5 miles.

Q Did they have any children, Anderson and Dinah? A They had several.

Q Any girls? A Yes, sir.

Q Do you know the name of the eldest girl? A I don't know if I do or not.

Q What are the names of those you remember? A Mary, I don't know much about the girls.

Q Do you know if any of these children are married? A One is married to Josh Holt.

Q Where does she live? A In Virginia.

Q How long did Anderson and Dinah live together? A From the time they married until he was killed, I don't know exactly the number of years.

Q How long since he was killed? A I think about 10 years.

Q Do you know when they married, Anderson and Dinah? A I don't know the exact date, it was somewhere about 5 or 6 years after he came here.

Q Did you see them married? A No, sir, but I know they occupied a house and kept house there and lived together as man and wife.

Q How were they recognized by the neighbors there? A As man and wife.

Q Do you know what these children of theirs were born? A No, sir.

Q Were they born while they were living together as man and wife? A Yes, sir.

Q Where were they born? A On Big Creek, where they were lived.

Q In the Cherokee Nation? A Yes, sir.

Q Do you remember which one of the girls, Josh Holt married? A No, sir, I don't believe I remember her name.

Q Do you know whether she is the eldest child or not? A No, sir, I don't.

Q Do you know whether she was born? A Yes, sir, not exactly, but to my best judgment she was all born in the Cherokee Nation on Big Creek.

By Hastings: With whom did Anderson Johnson first live when he came down here? A Where I live.

Q You all first came down in August and then went back? A Yes, sir.

Q You say Anderson wasn't married then? A No, sir.

Q His wife was up in Kansas then? A No, wasn't his wife at that time.

Q The woman that he afterwards married was in Kansas then? A Yes, sir.

Q He afterwards went up there and married her? A Yes, sir, and then brought her back with him.

Q Did you know his wife before she married him? A Yes, sir.

Q Where did she live? A Where in Fort Scott.

Q And your recollection is that some 4 or 5 years after you all came down that she came down as Anderson Johnson's wife? A Yes, sir.

That, you will, being sworn stated that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases, and that the foregoing is

a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this 13th of July, 1901.

(Signed) T. B. Needles,
Commissioner.

To be filed in case of Jane Holt, et al., C.F.D.-644.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of Ruth Chinnett for the enrollment of herself and 8 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

APPEARANCES:

Mr. Louis Brown, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

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SAM WEBBER, being sworn by Com'r Needles, testified as follows: By Mr. Brown:

- Q What is your name? A Sam Webber.
- Q Mr. Webber, do you know Anderson Johnson and Dinah Johnson, the mother and father of this applicant? A Yes, sir.
- Q You know whether they were ever married or not? A I couldn't tell you about the wedding, they were living together as man and wife.
- Q So recognized by the community? A Yes, sir.
- Q Were they living together as man and wife at the time this applicant was born? A Yes, sir.
- Q You know this girl's sister, Mary Johnson? A Yes, sir.
- Q At the time she was born were they living together as man and wife? A Yes, sir.
- Q Did you testify for Jane Holt in the Joshua Holt case? A I did 5 years ago, I didn't this time.
- Q You testified a while ago in the Mary Johnson case? A Yes, sir.
- Q You didn't say anything about their marriage then? A No one asked me; I didn't have no right to unless they asked me.
- Q When did you first see Anderson Johnson and the mother of this girl living together as husband and wife? A They come and settled down there; he married her somewhere and brought her there, I don't know where he married her.
- Q When was it? A I don't believe I can tell you just when that was.
- Q How long after the war was it? A I couldn't tell you that and be positive in it.
- Q Was Anderson Johnson married when he first came there? A No, sir, he was a single man.
- Q It was sometime after that when he married? A Yes, sir.
- Q Had he been married up to that time? A Up to what time?
- Q Up to the time he first came up there after the war in '66 as you testified a while ago? A He was single when he come down.

Q You don't remember how long after that when you saw him living with this woman? A No, sir. I couldn't say positive, but they was living together as man and wife on the creek there when he got killed, and had been for several years.

Q You remember just what year he got killed? A No, sir.

Q You don't remember just about how long after he come down there? A No, sir.

Q The circumstance of his getting killed is as great as the circumstance of your first seeing him after the war? A I don't know, it might be greater for all I know, but I never paid no particular attention.

Q About what is the first date that you are willing to swear that you saw them living together as husband and wife? A I tell you I never paid no attention to it, so many people married, I can't keep the dates of all of them, of no course I didn't rrry.

Q I am not asking you, Mr. Webber, the exact date, but how long ago, how many years ago you are willing to testify you saw them living together? A I don't know, I couldn't be positive about that.

Q Did they have any children when you first saw them living together as husband and wife? A When I first saw them they didn't have no

Q Do you have any idea how old this woman is (indicating applicant)? A No, sir, not exactly.

By Court Needles: Well, Mr. Webber, how long did they live together as husband and wife according to your best recollection, your knowledge? A I declare I couldn't answer that correct.

Q Did they raise a family there? A Raised them right there on the creek, three children.

Q While they were living together as man and wife they raised a family? A Yes, sir.

By Mr. Hastings: You don't know where he got the woman? A No, sir, I couldn't tell you.

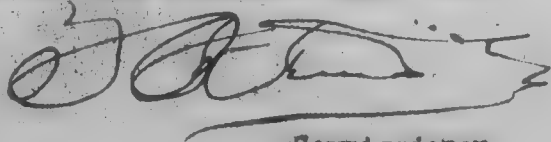
Q How far did they live from you? A About 10 miles I guess, as near as I can guess at it.

Kern-Clifton pay roll of witnesses of the Cherokee Nation examined and applicant identified on page 144, 43561, Chin-natt, Holt, 43562, 43563, 43564, 43565, 43566, 43567, 43568, 43569, 43570, 43571, 43572, 43573, 43574, 43575, 43576, 43577, 43578, 43579, 43580, 43581, 43582, 43583, 43584, 43585, 43586, 43587, 43588, 43589, 43590, 43591, 43592, 43593, 43594, 43595, 43596, 43597, 43598, 43599, 43600, 43601, 43602, 43603, 43604, 43605, 43606, 43607, 43608, 43609, 43610, 43611, 43612, 43613, 43614, 43615, 43616, 43617, 43618, 43619, 43620, 43621, 43622, 43623, 43624, 43625, 43626, 43627, 43628, 43629, 43630, 43631, 43632, 43633, 43634, 43635, 43636, 43637, 43638, 43639, 43640, 43641, 43642, 43643, 43644, 43645, 43646, 43647, 43648, 43649, 43650, 43651, 43652, 43653, 43654, 43655, 43656, 43657, 43658, 43659, 43660, 43661, 43662, 43663, 43664, 43665, 43666, 43667, 43668, 43669, 43670, 43671, 43672, 43673, 43674, 43675, 43676, 43677, 43678, 43679, 43680, 43681, 43682, 43683, 43684, 43685, 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J. O. Reason, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he copied the foregoing and that same is a true and complete copy of the original testimony and proceedings in the above case.

J. O. Reason

Subscribed and sworn to before me this September 12th, 1902.



Commissioner.

RECEIVED
SEP 15 1902
U. S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

To be filed in CED-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May, 15th 1901.

In the matter of the application of Katie Ridge for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Katie Ridge.
Q How old are you? A I guess I am 34, I was 16 when the stars fell.
Q What is your post office address? A Spavinaw.
Q Is that in Delaware District? A No sir in Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I cant hear good.
Q Is your name on the roll of 1880? A No sir.
Q Did you draw Strip money? A Yes sir.
Q Who do you want to have enrolled besides yourself? A No one sir

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q You say your name is not on the roll of 1880, do you know why?
A No sir.
Q Was you a slave? A Yes sir.
Q Who owned you? A Herman Ridge.
Q Was he a Cherokee Indian? A Yes sir.
Q Did he live here in the Cherokee Nation? A Yes sir, he lived here a part of the time.
Q Did you go out of the Cherokee Nation during the war? A Yessir.
Q Where to? A Springfield, Missouri.
Q How long did you stay there? A Three years.
Q When did you come back to the Cherokee Nation? A In 1866.
Q Have you been lived in the Cherokee Nation ever since 1866?
A Not all the time; when we come back here we staid a little while and then went up to Joplin; when we come here there was nothing to eat and we was about to starve and we heard that Joplin was a good town and we went up there and then come back here again.
Q Did you grow from Springfield to Joplin or did you come here first? A No sir we come up on Honey Creek and then to Joplin.
Q How long did you stay in Joplin? A Three years.
Q Did you come back here then? A Yes sir.
Q Have you lived here ever since? A Yes sir.
Q Where did Hiram Ridge live? A Most of the time in Fayetteville, his mother took the children there to school them.
Q Was that in Arkansas? A Yes sir.

By L. B. Bell, Cherokee Representative:

- Q Did you go into Arkansas with Mrs. Ridge, that is Hiram's mother when she moved up there? A No sir we staid on her farm; when she went up there her farm was still on Honey Creek.
Q How long did you stay on that farm? A I dont know; it was kept up a good while; part of the time we would be on the farm, we would go there and work and when they did not need us there they would take us back to Fayetteville and hire us out.
Q What was your husband's name, or did you have one? A Henry Ridge.
Q Did you know old Peter? A Yes sir he was my brother in law.
Q Did you know Dr. Polson? A Yes sir.
Q Where did he live? A On Honey Creek.
Q Did you live with him? A Not all together, just some of the time I would stay with him.
Q Where were you in '61 when this war broke out? A Well I was

Katie Ridge 2.

down to Polston's then and then back to Fayetteville Herman Ridge and Polston's wife was brother and sisters.

Q Didn't you live out closer to Bentonville than to Fayetteville?

A My husband lived there away after they killed John Ridge, she went from Honey Creek to near Bentonville then.

Q How long did you live on that farm? A I don't know.

Q When did Polston live on that farm? A I don't know exactly.

Q How long had he been living there when the war broke out? A I don't remember.

Q Several years? A I don't know.

Q You don't know nothing about it? A I don't know of him all the time.

Q Herman Ridge lived in Washington County Arkansas didn't he? A No sir.

Q Well tell me where he lived then? A In Fayetteville.

Q That is in Washington county? A I didn't know.

Q He was Mrs. Ridge's son? A Yes sir.

Q He lived up there when she moved there? A Yes sir.

Q And that was right after the killing of John Ridge? A Yes sir.

Q He lived there until the war broke out and then he went to the war himself and got killed? A Yes sir.

Q Where is your husband now? A Henry? A He is dead, he died in small pox time.

By the Commission-

Q Where did your master die when he was killed? A Somewhere in the Territory; he was in the Southern Army.

Q Was he married or single? A Single.

Q He went to the army from Arkansas? A Yes sir.

SIMON LYNCH, called and sworn as a witness by Commissioner T.B. Needles, testified as follows on the part of the applicant:

Q What is your name? A Simon Lynch.

Q How old are you? A 71.

Q What is your post office address? A Spavinsaw.

Q Are you a recognized Freedman of the Cherokee Nation? A Yessir.

Q Is your name on the roll of 1880? A Yes sir.

Q Do you know Katie Ridge? A Yes sir.

Q How long have you known her? A I don't know how long it had been I knew her before the war.

Q Who did she belong to? A Mr. Ridge.

Q Was he a Cherokee citizen? A Yes sir.

Q Was he an Indian? A Yes sir.

Q Where did he live? A On Honey Creek.

Q Was Katie taken out of the Cherokee Nation during the war? A I don't know.

Q Where did you first see her after the war? A On Honey creek.

Q When was that? A In '66.

Q Has she been living there ever since? A No sir. She left there once.

Q She went to Joplin didn't she? A Yes sir.

Q Has she been living here for the last 20 years? A Yes sir.

Q Her master was who? A Herman Ridge.

Q Was he a single man when he was killed? A I don't know.

Q Do you know of him ever living outside of the Cherokee Nation?

A I think he did.

Q Was he living in Arkansas? A Yes sir.

Q Was that before the war? A Yes sir.

Q Who did he live with in Arkansas, his father and mother? A I don't know.

Katie Ridge 3.

Q What time of the year was it you say he applicant on Honey Creek in '66? A The summer of '66, I dont know just what time, but it was in the summer time.

Q What was you doing there? A I went to South West City.

Q You saw this woman where? A At the old place, Dr. Somebody owned it then.

Q Was he there? A No sir.

Q How far is that from South West City? A Taint very far, I dont know just exactly, know exactly.

Q Is it a half a mile? A Yes sir several miles.

Q Were you ever at the place before? A Yes sir, been there lots of times there.

Q What was you doing there? A I went to Mr. Woodall's shop and staid at Mr. Ridge's every time I went to the shop.

Q Where did you go to from the shop? A On Baties Prairie.

Q Where did you come here first after the war? A The first time I came was in '65, and then moved here in '66.

Q What time in '66 did you move here? A In February.

APPLICANT RECALLED: Examined by Commissioner Needles:

Q Did you get your strip money? A Yes sir.

The Kerns Clifton roll of the Cherokee Nation examined and the name of the applicant identified thereon as follows:
Page 156, No. 1363, Katie Ridge, Cooweescoowee District.

By Com'r Needles,-

Katie Ridge applies for herself; she is not found on the authenticated roll of 1880 or the census roll of 1896 but she is identified on the Kerns Clifton roll; she makes satisfactory proof as to her residence and will be listed for enrollment as a Cherokee Freedman on a full card for the reason that her name is not found on the authenticated roll of 1880 and from the further fact that her citizenship is contested by the Cherokee representatives. When the Commission arrive at a conclusion in her case she will be notified by mail.

Chas. von Weise, being sworn stated that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 18th of May, 1901 at Vinita, I. T.

(signed) T. E. Needles,
Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

Subscribed and sworn to before me this September 4th, 1901.

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 10, 1901.

In the matter of the application of Katie Ridge for enrollment
as a Cherokee Freedman.

Supplemental testimony.

Applicant present.

Cherokee Nation present, by its attorneys.

ANDERSON LYNCH, being duly sworn and examined by Commissioner
Vinita, testified as follows:

Q Your name is Anderson Lynch? A Yes, sir.

Q How old are you? A About 64.

Q What is your post-office address? A Vinita.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q You know Katie Ridge? A I didn't know her when I first saw her.
When I first saw they they were up there on Honey Creek and someone
said that was the Ridge.

Q What year was that? A That was along in the fall of '66, I
think it was.

Q How many her in the fall of 1866 then? A Yes, sir.

Q Have you known her since that time? A Yes, sir, after they
came down here, I got acquainted with them, he said it was some
of the Ridges that was up there on Honey Creek.

Q Do you know the Katie Ridge, the applicant here, as the same
woman you saw on Honey Creek in the fall of 1866? A Yes, sir.

Q Do you know whether she was a slave or not? A No, sir, I don't
know all the Ridges, all I know about them is what Simon was telling
me.

Q Simon who? A Simon Lynch.

Q Did you know them before the war? A No, sir, he knew them.

By E. B. Bell, Cherokee Attorney: Where were you going in '66?

A Going up to Southwest City.

Q How far is South West City from where they were living? A I don't
know, sir, I never noticed; the first time I ever had been there,
and I just went along with Simon.

Q About what time of the year was it? A It was long in the fall
like.

Q Can you recollect, early or late? A It was early, it wasn't
so cold, I don't know we slept out, we were going up there.

Q You don't recall at that time how far it was from where they lived
to Southwest? A No, sir, I suppose Simon knows, he was acquainted
up there and I wasn't.

Q You went on from there to Southwest City did you? A Yes, sir.

Q Now where was Southwest City, in the Cherokee Nation or Missouri?
A It was in Missouri or Arkansas, I don't know which, it was
across the line.

Brace C. Jones, being duly sworn, says that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

(signed) Brace C. Jones.

Sworn to and subscribed before me this 16th of May, 1901.

(signed) C. B. Brackinridge,

Commissioner.

H. D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he made the foregoing copy
and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this September 16, 1901.

[Handwritten signature]
Commissioner.

To be filed in CTD-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHULSA, I. T., JUNE 9th, 1901.

In the matter of the application of Cornelius Ridge for the enrollment of himself and three children as Cherokee Freedmen and for the enrollment of his wife as a Cherokee Freedman by intermarriage; said Ridge being heard and examined by Commissioner T. B. Needles, testified as follows:

APPENDICES:

Messrs. McEllett & Smith, for applicants;
Mr. V. W. Hastings, for Cherokee Nation.

- Q What is your name? A Cornelius Ridge.
Q What is your age, Mr. Ridge? A About 45 I guess.
Q What is your post office? A Sparrow.
Q What district do you live in? A Saline.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself, Mr. Ridge?
A Wife and three children.
Q What is your wife's name? A Laura.
Q How old is Laura? A She is about 45.
Q What is the name of your first child? A Pearl.
Q How old is Pearl? A About 24 I guess.
Q The next child? A Jesse.
Q How old is Jesse? A 12.
Q The next one? A Myrtle.
Q How old is Myrtle? A I guess she is about eight.
Q Is your name on the roll of 1860? A No, sir.
Q Is your wife's name? A No, sir.

BY MR. SMITH:

- Q Where do you live? A I live in Saline District, Cherokee Nation.
Q Who is your mother? A Katie Ridge.
Q Do you know whether or not she applied for enrollment at Vinita?
Q Yes, sir, she did.
Q What sister did you have? A Phoebe and Mary, two sisters.
Q Did they marry either one of them? A Yes, sir.
Q Who did Mary marry? A She married a Walton.
Q Were you born a slave? A Yes, sir.
Q Who was your owner? A Benjamin Ridge.
Q Was he an Indian? A Yes, sir, he was an Indian.
Q Where did he live before the war? A He lived in the Cherokee Nation part of the time and part of the time I guess in Arkansas.
Q Where was he living when the war commenced? A He was here in the Cherokee Nation.
Q Were you living with him? A No, sir, I wasn't with him.
Q Where were you? A I was with my mother.
Q Where was she? A She was taken out of the Cherokee Nation.
Q You were his slave though? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q When did you come back to the Cherokee Nation first after the war? A Come back in '63.
Q Where did you come to? A Came to Spaw Creek in the Cherokee Nation.
Q Who was with you at that time? A My father, my mother and my family, my father and mother.
Q Well, what happened to your mother? A My mother was with you, you have named your child after her, haven't you?
Q What was her name? A Mary and a brother, Jesse.
Q Is Jesse alive? A Yes, sir, he is alive.

Cornelius Ridge, et al. -- 2.

- Q Where do you live now? A I live in Saline District.
Q What is your post office? A Spavinaw.
Q How long have you lived there? A About, I guess about 30 years.
Q You are not on the 1860 roll? A No sir.
Q Are you on the Kerr-Clifton roll? A Yes, sir.

The 1860 authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kerr-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicants found thereon as follows:
Page 156, #3888, Cornelius Ridge, Coowasawnee District.
Page 157, #3889, Pearl Ridge, Coowasawnee District.
Page 157, #3881, Jesse Ridge, Coowasawnee District.
Page 157, #3882, Myrtle Ridge, Coowasawnee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 155, #3185, Cornelius Ridge, Saline District.

APPLICANT: One claiming his name is a state woman.

- Q Mr. Ridge, have you any witnesses you want to examine now, any witnesses present? A No, sir.
Q Have you witnesses that you think you will be able to get before the Commission closes at Muskogee? A Yes, sir.

BY MR. HASTINGS:

- Q How old are you? A I don't know, I guess I am about 49.
Q About how old were you when the war came up? A Don't know.
Q Katie Ridge was your mother? A Yes, sir.
Q What was your father's name? A Henry.
Q Where were you living when the war came up? A I was living with my mother at the Doctor Polston's.
Q Well where was Doctor Polston living? A He was living near what is called Peter's prairie.
Q How far is that from South West City Missouri? A Well I don't know hardly exactly I expect it is probably two or three miles.
Q You were living when the war came up were you? A Yes, sir.
Q How long had you been there? A I don't know I don't suppose I had been there as very long, I don't know just how long I had been there.
Q Did Doctor Polston have a wife? A Yes, sir.
Q What was her name? A Her name was Fannie.
Q Was she living then? A Yes, sir.
Q How many children had he when the war came on? A I don't remember.
Q Dr. Polston's wife was your mistress? A She was a sister to my father.
Q You don't know how many children he had? A No, sir.
Q Did he have any children? A Appears to me like there was one or two, I am not sure.
Q Boys or girls? A I don't hardly remember.
Q You don't remember? A No, sir.
Q What kind of a house did Dr. Polston live in, on Peter's prairie? A Well, sir, I don't know, I don't know the house at all.
Q Did he get water out of a well or cistern? A Out of a spring.
Q You remember that as well? A Yes, sir, it appears to me like that is right.
Q And you remember? A Yes, sir, I am not sure, but seems to me like there was a well.
Q Well, did he have a well? A Yes, sir.
Q And you remember that? A Yes, sir, I am not sure, but seems to me like there was a well.

Cornelius Ridge at al, 3.

like there was an orchard, might have been, I won't be sure.

Q Who did you say your Master was? A Herman Ridge.

Q Now, where was Herman living? A Well, sir, I don't know where he was living; he was an intermarried man.

Q He had no home in the Nation did he? A The last account I know of Herman was that when he joined the army.

Q Well, where was he living just before he joined the army?

Q I don't know, sir. I could not tell you.

Q Well now, you come back here did you with your father and mother?

A Yes, sir.

Q Now what was the first place you came to? A In the Nation?

NO Yes. A On Honey Creek.

Q Now, what place on Honey Creek did you return? A Well, I don't know the name of the place at all, but as near as I can remember it was about probably three or four miles down the creek from where South West City now is.

Q That is the point you came to was it? A Yes, sir.

Q That was near your old home? A Yes, sir.

Q You come right back to the old home didn't you? A No, sir, not right exactly.

Q Well about how far from your old home? A It don't, it must have been, probably a mile and a half from the old Ridge place.

Q Did you build a house? A No, sir.

Q How did you live there? A Went into a house that was there.

Q That was near? A Yes, sir.

Q How long did you live there? A Well, sir, I expect we were there something like three or four years.

Q Then where did you go? A Went to Missouri.

Q Poplar? A Yes, sir.

Q You were married at Poplar, wasn't you? A Yes, sir.

Q What is your wife's name? A Ida.

Q Is she living? A Yes, sir.

Q How old is she? A Don't know, I don't know, 24 or 25 I guess.

Q Well, isn't Henry older than Ida? A No, sir; he is younger.

Q And where was Ida born? A Ida was born on Grand river.

Q Near what place? A On Lynch's prairie.

Q How long after the war was it until you come down to Lynch's prairie? A How long after the war? You ask me?

Q That is the question. A I don't know, something about like three or four years.

Q George Clark was living right near you then? A Yes, sir. George Clark was living there.

Q That the only time you claim to have come back to the Cherokee Nation before that was when you were up on Honey Creek? A Yes, sir.

Q And you lived there you say about two or three months? A Yes, sir.

Q Now, what kind of a house was that you moved into? A It was a log house.

Q Now, what direction from the old Polston was that log house that you moved into? A Well, if I am not mistaken and kinda turned around I say on south.

Q Did you go to the old place while you were there? A Polston place, yes, sir.

Q Who was living there? A Mr. Polston.

Q Was his wife there with him? A Now, I am not right sure, let me think over that a little, yes, sir, I think she was.

Q Did you have any children then? A Yes, sir.

Q Did you have any children then? A Yes, sir.

Q Did you have any children then? A Yes, sir.

Q Did you have any children then? A Yes, sir.

Q Did you have any children then? A Yes, sir.

Q Did you have any children then? A Yes, sir.

Q Did you have any children then? A Yes, sir.

Q Did you have any children then? A Yes, sir.

Q Did you have any children then? A Yes, sir.

Cornelius Ridge, et al, 4.

Q You never worked for anybody? A Never done a day's work for anybody as I know of.

Q Well, what year were you there? A We were there in the fall.

Q About what month? A Well, sir, I don't know hardly, I expect though it was in or near the month of October, September or October, somewhere along about there.

Q Were you up about that town there while you were down there on Honey Creek? A No, sir.

Q You didn't go to any town? A No, sir; what do you mean, Southwest City?

Q Yes, sir. A No, sir, there wasn't no town there; we come right past there and there wasn't no town there.

Q Did you have any neighbors down there where you lived in that little house, any people living anywhere around you? A No, sir, none that I know of; none that I was acquainted with except Polston.

Q None except Polston? A No, sir, that I can remember now.

Q You don't remember any of those Indians that were living about you? A No, sir; I don't remember, there was none living there as I know of.

Q Was there any field connected with your house you lived in? A No, sir.

Q What did you get water out of, creek, spring or well? A Spring.

Q What direction was the spring from the house? A Well, sir, I don't know.

Q You don't remember? A Appears to me though like the spring was east, not to be positive.

Q How far was the home place from Honey Creek? A I presume something near a mile and a half.

Q Were you north or south of the creek? A Well I would say south.

Q Dennis Hicks' wife your sister? A Yes, sir.

Q Was she older or younger than you? A Younger.

Q Where was she born, before the war or after, and when? A She was born before the war, I don't know where she was born at.

Q Did she go this round with you? A Yes, sir.

Q Your mother was with you? A Yes, sir.

Q Your father? A Yes, sir; I think though Dennis' wife was born in Arkansas.

Q Before the war? A Yes, sir, I think she was.

Q Well, now in all these round you went your father and mother and all the members of your family would go with them? A Yes, sir.

BY COM' R NEEDLES:

Q Well, you apply for your wife as an intermarried citizen do you? A Yes, sir.

Q When were you married to her? A I don't know sir, about '67 I guess.

Q Have you been living wither continuously since that time? A Yes, sir.

Q Living with her now? A Yes, sir.

Q Where were you married? A Married in Missouri.

Q She is a state woman? A Yes, sir.

Q Where were you living in 1867? A In Missouri.

Q Brought your wife back with you when you came? A Yes, sir.

BY MR. HASTINGS:

Q Joplin is in Missouri, isn't it? A Yes, sir.

BY MR. SMITH:

Q What time, Cornelius, did you leave the Cherokee Nation after you came here in 1866; how long did you stay here in 1866? A We came in the fall and left after Christmas.

Cornelius Ridge et al 5.

- Q Were you a married or unmarried man at the time you came here in 1866? A Unmarried.
- Q Why did you leave the nation, the Cherokee Nation, at that time? A We didn't have anything to live on.
- Q Where did you go to? A Went to Joplin, Missouri.
- Q How long did you stay there? A About three or four years, I presume.
- Q And then where did you go to? A Came on Grand River.
- Q In the Cherokee Nation? A In the Cherokee Nation.
- Q Have you been living in the Cherokee Nation ever since? A Yes, sir.
- Q In the meantime you had married? A Yes, sir.
- Q Did you bring your wife back here with you when you came? A Yes, sir.

BY MR. HASTINGS:

- Q What time did you say you came back? A From Missouri?
- Q Yes. A In about three or four years I guess.
- Q After you went up there? A Yes, sir.

COM' R NEEDLES:--Cornelius Ridge applies for the enrollment of himself and three children, Pearl, Jessie and Myrtle, as Cherokee Freedmen; he also applies for the enrollment of his wife, Laura, as a Cherokee Freedman by intermarriage. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children are duly identified upon the Kern-Clifton pay roll, and he upon the Wallace roll. He avers that he was married to his wife, Laura, a state woman in the year 1867, and has lived with her continuously ever since that time. He makes satisfactory proof as to his residence, and in this connection, as requested by Counsel that the testimony taken in the present case be made a part of the record in the application of Dennis Hicks who was listed for enrollment on Cherokee Freedman card B #365, and it is ordered that the testimony taken in the application of Katie Ridge for enrollment as a Cherokee Freedman, who was duly listed for enrollment on D. Card #295, be made part of the record in the present case and a copy of the same be filed in the case of the applicant, Cornelius Ridge. The said Cornelius Ridge and his children as enumerated herein will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card, for the further consideration of the Commission. The applicant will be notified by mail of the final decision of the Commission.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 17th, 1901.

(signed) J. O. Rosson.
(signed) T. B. Needles,
Commissioner.

M. B. Brown, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

Subscribed and sworn to before me this June 17th, 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHICKASAW, I.T., JUNE 11th, 1901.

In the matter of the application of Frances Johnson for the enrollment of herself and four children as Cherokee Freedmen; said Johnson being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith for Applicant.
Mr. J. S. Davenport, for Cherokee Nation.

- Q What is your name? A Frances Johnson.
Q How old are you? A 32 1/2 years old.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Who do you desire to enroll besides yourself? A Four children.
Q Give me the names of the children please? A Nettie Johnson.
Q How old is Nettie? A 16.
Q The next child? A Katie.
Q How old is Katie? A 14.
Q The next one? A Clarence.
Q How old is Clarence? A 12.
Q The next one? A Wilda.
Q How old is Wilda? A Two years.
Q Are you married? A Yes, sir.
Q What is your husband's name? A A. D. Johnson.
Q Is he a citizen? A No, sir.
Q Are these children all living at this time? A Yes, sir.
Q What is your mother's name? A Bettie Hicks.
Q Who is living? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Kern-Clifton roll.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's names found thereon as follows:
Page 163, #4039, Francis Johnson (or Holt), Cooweescoowee.
Page 163, #4036, Nettie Johnson, Cooweescoowee District.
Page 163, #4037, Kate Johnson, Cooweescoowee District.
Page 163, #4038, Clarence Johnson, Cooweescoowee District.

- Q You been married but once? A Just once.
Q A. D. Johnson the father of all these children? A Yes, sir.

BY MR. SMITH:

- Q Is the Bettie Hicks who has just applied here for enrollment this morning your mother? A Yes, sir.
Q Is Esther Holt your grandmother? A Yes, sir.
Q Joshua and Tecumseh Holt your uncles?
A Yes, sir.
Q Where do you live? A Vinita.
Q How long have you lived there? A About 12 years.
Q Where were you born? A Fort Scott, Kansas.

BY MR. DAVENPORT:

- Q You say you have been living at Vinita about 12 years?
A Yes, sir.
Q Where did you live before you came to Vinita?
A I stayed with Aunt Beck-Eddie Webber on Big Cedar Creek.

Frances Johnson, et al.--8.

Q Where were you living before you lived at Cedar Creek?

A I went to Fort Scott, Kansas.

BY CON'R NEEDLES: Cedar Creek, Cherokee Nation? A Yes, sir.

BY MR. DAVENPORT: You married A. D. Johnson in Fort Scott, Kansas?

A Yes, sir.

Q How long did you stay in Fort Scott after you married?

A About two months.

Q How long before he came? A He didn't come; he stayed there to work.

Q He continued to make his home there? A He didn't stay there all the time.

Q And all your children were born in Fort Scott were they?

A No, sir.

Q Where were they born? A Cedar Creek.

Q He was in Fort Scott altogether? A No, sir, he was from place to place working.

Q Did you keep house in Fort Scott? A No, sir.

Q He and you never kept house after you married until you came to Vinita? A No, sir.

Q You had two children at the time you came to Vinita? A Yes, sir.

Q He came direct from Fort Scott, Kansas, to Vinita?

A Yes, sir.

Q And he had never had any residence in the Cherokee Nation up to the time he came to Vinita? A I don't know, sir.

Q Up until you and he got married he didn't have any residence in the Cherokee Nation had he? A No, sir; he had been living out where he just had been to work there in Fort Scott.

Q And any other place? A He would come to Cedar Creek and backwards.

Q You didn't keep house on Cedar Creek? A No, sir, I lived with Aunt Beck.

BY CON'R NEEDLES:

Q Where were you born? A Fort Scott, Kansas.

Q You say you lived and married in Fort Scott, Kansas?

A Yes, sir.

Q When did you leave Fort Scott and move to the Cherokee Nation?

A I could not tell you.

Q Well, about how long ago? A I have been in the Cherokee Nation off and on all my life.

Q You were born in the State of Kansas and you lived there until you were married; when did you move from there to the Cherokee Nation? A I don't know sir when I moved from there; I didn't live there all the time; I was living on Cedar Creek, I was at Fort Scott going to school when I married this man.

Q You were born there in Kansas? A I was born there in '65, yes, sir.

Q And when did you come to the Cherokee Nation? A When I first recollect I was in the Cherokee Nation.

Q Where were you living with? A I was living with Aunt Beck Webber.

Q That's your mother's sister? A No, sir, it was an old lady who was keeping me at that time.

Q Your father had never been married? A No, sir.

Q Well, you lived on Cedar Creek in your childhood until you got big enough to go to school? A Yes, sir.

Q How old were you when you went to Kansas to go to school?

A I don't know, I guess I was about 14, I disremember; I don't know exactly how old I was.

Q Well, about what, you are an intelligent woman and educated?

A I am not educated.

Q You went to school? A Yes, sir, but I am not educated.

Q Then you were married in Kansas; and from the time you were going to school you lived in Kansas until you married? A Yes, sir.

Frances Johnson, et al. - 3 .

- Q Where was your eldest child born? A In the Cherokee Nation.
Q Were your children all born in the Cherokee Nation?
A Yes, sir.
Q Have you been living continuously in the Cherokee Nation since your oldest child, Nettie, was born? A Off and on.
Q What do you mean off and on? A You see he was working and I would go and see him.
Q Did he ever live in the Cherokee Nation? A He would stay here three or four months at a time.
Q Did he ever keep house in the Cherokee Nation? A No, sir.
Q Did you raise all these children? A Yes, sir.
Q Do you live in the Cherokee Nation now? A Yes, sir.
Q Where is your husband living? A Yes, sir. Vinita.
Q Well, he moved to the Cherokee Nation? A Yes, sir.
Q When did he move here? A He got here about ten or eleven years ago.
Q And have you and he been keeping house in the Cherokee Nation ever since that time? A Yes, sir.
Q Are you living here now? A Yes, sir.
Q Do you live at Vinita? A Yes, sir.
Q Why didn't you apply to the Commission when were at Vinita?
A My mother wasn't able and I didn't think I need apply until she went in.

COM'R NEEDLES: Frances Johnson applies for the enrollment of herself and four children. Her name cannot be found upon the authenticated roll of 1880 or census roll of 1896; she is identified upon the Kern-Clifton roll as Francis Johnson or Holt. Her three older children, Nettie, Katie, and Clarence, are duly identified upon the Kern-Clifton roll. Her youngest child, Wilda, is not identified upon any roll, having been born since the rolls were compiled, and it will be necessary for her to file satisfactory proof of birth of said Wilda. She avers that she is the ~~son~~ child of Bettie Hicks, who is listed for enrollment on Doubtful card #355. Supplemental testimony this day has been taken in regard to the enrollment of Bettie Hicks, wife of Dennis Hicks, and said Supplemental testimony will be made a part of the record in the case at bar and a copy of thereof filed herewith.

Frances Johnson and her four children as enumerated herein, will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further decision of the Commission. She will be duly notified by mail of the decision of the Commission when arrived at.

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J. G. Reeson, being first duly sworn, states that as stenographer to the commission to the five civilized tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Reeson

Subscribed and sworn to before me this 24th day of June, 1901.

[Signature]

Commissioner.

To be filed with case of Frances Johnson, C. F. D. #376.

SUPPLEMENTAL as to BETTIE HICKS, D 365.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 12, 1901.

In the matter of the enrollment of Bettie Hicks as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant;
Mr. Davenport for the Cherokee Nation.

- Q What is your name? A Bettie Hicks.
Q How old are you? A Going on 58.
Q What is your post office address? A Vinita.
Q What district do you live in? A I live in two districts, Cooweescoowee and Delaware, I live in one and keep store in the other, I live in Delaware.
Q Why didn't you apply when we were at Vinita? A Maama was sick and I couldn't get off, I had to stay in the store room.
Q Do you apply to be enrolled as a Cherokee freedman?
A Yes, sir.
Q Who do you want to enroll besides yourself? A My daughter, Frances Johnson.
Q She married? A Yes, sir.
Q She can apply for herself? A Have you any minor children you desire to apply for? A No, sir.
Q Have you any witness set here? A Yes, sir.
Q Mr. Smith: Who was your mother? A Easter Holt.
Q Was your mother here at Chelsea here yesterday? A Yes, sir.
Q Is she the same Easter Holt who applied here yesterday?
A Yes, sir.
Q Have you any brothers and sisters? A Yes, sir, Charlie Miller, John Holt, Tecumseh Holt, Mose Holt.
Q Who was your father? A Jess Hicks.
Q Were you born a slave? A Yes, sir.
Q Whose slave were you? A Bill Holt.
Q Was he a Cherokee Indian? A Yes, sir.
Q In the Cherokee Nation? A Yes, sir.
Q Where were you at the time the Civil War commenced?
A At Wobbers Falls.
Q Who were you living with? A Bill Holt.
Q Were you his slave when the war commenced? A Yes, sir.
Q Did you go out of the Cherokee Nation? A Yes, sir.
Q Where did you go? A Fort Scott.
Q When did you return to the Cherokee Nation first after the war?
A June, '66.
Q Where did you go to? A Ft. Gibson.
Q How long did you stay about Ft. Gibson at that time?
A I were there something over a year.
Q About how old were you at that time, in June, '66? A I don't know just how old.
Q Well were you grown? A Yes, sir, young woman.
Q You were not married? A No, sir.
Q When did you marry first? A I didn't marry.
Q You are married now? A Yes, sir.
Q How long have you been married? A Three years, September.
Q Up to the time you married three years ago, what occupation did you have, what was your business? A Just worked around.
Q What kind of work did you do? A Any kind of work, worked in hotels most of the time, chamber work.
Q You were a chamber maid? A Yes, sir.
Q How long have you been married? A I have lived in Vinita off

and on since '79, up until '82, I left there and then I went away and come back 12 years ago.

Q After you came back to Ft. Gibson, in '66 I believe you stated that you remained there about a year? A Yes, sir.

Q Where did you go then? A From there to Ft. Scott and from Ft. Scott to ~~Elm~~ Big Creek where my mother was.

Q Where is Big Creek? A Up here (indicating.)

Q What Nation is it in? A Cherokee Nation.

Q Do you know of your own knowledge when your mother and brothers, Josh and ~~Wocumseh~~, came back? A I left them there, fixing to go away with my uncle when I went away.

Q Left them where? A Ft. Scott.

Q What was your uncle's name? A ~~Any~~ Daugherty.

Q You don't know actually when they reached the Cherokee Nation yourself? A No, sir, but time I left them they were fixing to go and I went to Ft. Gibson.

Q You didn't come back with them? A No, sir, they went with my uncle and I went to Ft. Gibson, because my sister was down there.

Q What was your sister's name? A Sallie Miller, is her name now.

By Mr. Davenport: You went with your sister? A No, sir, my sister went first to Ft. Gibson.

Q How long after your sister went to Ft. Gibson was it before you went? A Not very long.

Q Year or such a matter? A No, sir.

Q You went to Ft. Gibson and stayed a while, and then you went back to Ft. Scott? A Yes, sir.

Q How long did you stay at Ft. Scott when you went the next time? A Couple of months, probably longer.

Q When you left Ft. Scott that time where did you go? A I went over to ~~Elm~~ Big Creek.

Q To what point on Big Creek did you go? A Where my Uncle Andy lived.

Q Where was your mother at that time? A At Uncle Andy's.

Q In what country? A Cherokee Nation.

Q What part of the Cherokee Nation? A On Big Creek there.

Q Was she near what is known as the Fall leaf place was? A Close to there somewhere.

Q When you came to the Big Creek country was there a man living there named Fallleaf? A I don't know, I didn't stay up there.

Q You have never heard of that name? A Yes, sir, but I didn't know anything about him.

Q When you left Big Creek where did you go? A I come down to a little place close to where, after they run the railroad down to Coffeyville they run to a little place they called Parker, and I worked there until I got some money, and went to Independence, Kansas, and didn't stay there long, and went from there to the Old Agency, in the Creek Nation.

Q How long did you stay at the Old Agency? A About four months, and visited, I went from there to Parsons and from there to Muskogee.

Q How long did you stay at Parsons? A Two years.

Q Parsons, Kansas? A Yes, sir.

Q Then where did you go? A To Muskogee.

Q How long did you stay in Muskogee that time? A About five years.

Q After you stayed in Muskogee five years where did you go? A To Vinita.

Q That was the time you speak of being in Vinita in '79? A Yes, sir.

Q How long did you stay in Vinita at that time? A I stayed until 1880, and then I went to Baraka Springs, I was sick and came back in 1880 and worked for Henry Hiffert.

Q You have been out since that time? A On a visit.

Q You have never been anywhere since 1880? A Just when I would go out to work.

Q How long have you worked out in seasons since that time? A I don't know.

Q You have been out several years, you worked at different places? A Yes, sir, just little while at a time.

- Q What places have you worked since that time, in the states?
A I haven't worked anywhere.
Q You haven't been anywhere since 1880? A Yes, sir, I was out, I left here about '82.
Q Where did you go then? A I don't know where I did go.
Q When did you come back to Vinita after you left there in 1880?
A In '89 I think.
Q And have been living there since that time? A Yes, sir, right there, sir.
Q You don't know anything about when you mother came back to the country do you, as to what year it was? A No, sir, I don't.
Q You know your sister Gallie came back before you did?
A Yes, sir.
Q You don't know when you brothers came? A They was with my mother, three little brothers.
By Com'r Needles: When were you married? A It will be three years in September.
Q That your first time? A Yes, sir.
Q When you were going out, in your testimony to Mr. Davenport, going out in the States working, were you a single woman?
A Yes, sir.
Q Your mother have a home at that time in the Territory?
A Living with my uncle.
Q Is your name on any of the rolls of the Cherokee Nation?
A It ought to be on the 1880 roll, but it can't be found.
Q On any other rolls? A On the Clifton roll.
Q What was your name before it was Hicks? A Holt.
Q What is your mother's name? A Esther Holt.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found thereon.

- Q You say you have grand children? A Yes, sir.
Q I thought you said you were never married to anybody but Mr. Hicks, four or five years ago? A It will be three years in September, I have one daughter.
Q Has your daughter applied to be enrolled? A No, sir, not yet.
Q She has got a child? A She has four children.

M. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof,
(Signed) M. D. Green.

Subscribed and sworn to before me this June 20, 1901.

(Signed) T. B. Needles,
Commissioner.

Remainder of this case taken by Stenographer, J. O. Reason,
June 11th, 1901.

SUPPLEMENTAL TESTIMONY continued; case of Battie Hicks.
Former portion reported by stenographer M. D. Green.

APPEARANCES:

Messrs. Smith & Mellette, for applicant.
Mr. Davenport for Cherokee Nation.

POLLY HIVENS, being duly sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. SMITH, as Counsel for applicant.

- Q State your name? A Polly Hivens.
Q Where do you live? A Fort Gibson.

- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Do you know Bettie Hicks, this applicant? A Yes, sir.
- Q How long have you known her? A I know her just a while before the war.
- Q Was she a slave? A Yes, sir.
- Q Whom did she belong to? A Old lady Holt I suppose.
- Q Was Mrs. Holt a Cherokee? A Yes, sir.
- Q Where did she live before the war? A She lived at Webbers Falls on this side of the river.
- Q Where was this applicant, Bettie Hicks, at the time the war commenced, do you know? A I don't know, sir.
- Q How long before the war had you seen her there at Holt's? A It was a good little while before the war; when the steam boats was running she was coming up to my Mistress' on a visit.
- Q Do you know how long that was before the war? A No, sir, I don't.
- Q When did you see this applicant, Bettie in the Cherokee Nation after the war closed? A I saw her in Fort Gibson.
- Q When was that? A That was when the Refugees was drawing; I was in there cooking for the refugees, cook for the Commissary Clerk.
- Q What was the Refugees doing? A They was issuing rations and the Clerk was issuing rations to them and I was cook for him.
- Q And you mean the people that had gone out of the Nation during the war? A Yes, sir, that was all getting back to their homes.
- Q Had you been out or remain in the Nation? A I remained in the Nation; I just went out on Briar Town and come back before peace was made.
- Q Are you yourself a Cherokee Freedman? A No, sir; I am nothing else, I am half Cherokee and Freedman too.
- Q Are you a recognized citizen? A Yes, sir.
- Q On the 1880 roll? A Yes, sir, always has been.
- Q Can you state what year it was that they were issuing those rations? A No, sir, I can't exactly state, it was just after peace was made and they ordered them all to come in.
- Q When you saw her? A Yes, sir.
- Q How long did they issue these rations and keep that up as well as you remember? A I don't know exactly how long; they stopped and begin; I could not tell how long I cooked about two years right along there.
- Q Right soon after peace was declared? A Yes, sir, right after peace was declared.
- By Mr. Davenport: Was she a grown young woman then? A Yes, sir.
- Q Now, you saw her owner one time before the war when her Mistress came up to your Mistress' house? A Yes, sir.
- Q What was she doing up there? A She was waiting on her.
- Q How many girls would she usually carry with her? A She sometimes would have one.
- Q How many waiters did she have up there? A One.
- Q Didn't you testify in the Gallie Miller case yesterday? A Yes, sir.
- Q Now when you testified in that case yesterday, didn't you testify that Gallie Miller was with Mrs. Holt when she visited your Mistress at Fort Gibson as a waiting girl for Mrs. Holt? A Yes, sir, that is right.
- By Mr. Smith: Did Mrs. Holt, what do you mean by that, now you saw Mrs. Holt brought Gallie up there? A Sometimes bring Gallie and sometimes bring Bettie.
- Q Did she make more than one visit? A Yes, sir, she visited more than once.
- Q Well when you spoke of Mrs. Holt having brought Gallie up there as her waiting girl was that the one trip you are talking about now? A No, sir; they came up several times, come on the steam boat named Pilot.

By Mr. ~~Wendert~~: They came quite often to visit Mrs. Hivens? A Several times, we went down there several times.
Q She carried you with her? A No, sir, not ever time.
Q Then you have been down there and seen her? A Yes, sir, I have been to Mrs. Holt's that is right.
Q And Holt's lived in Flint District didn't they?
A The Holts I am talking about lived at the falls.
Q You don't know whether they had ever lived up in Flint District?
A No, sir.

HARRY STILL, being sworn and examined by testified as follows: Mr. Smith:

Q State your name? A Harry Still.
Q Where do you live? A Hayden.
Q How old are you? A 54.
Q Do you know this applicant, Bettie Hicks? A Yes, sir.
Q Did you know her before the war? A Yes, sir.
Q Do you know whom she belonged to? A Belonged to Bill Holt.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q When did you first see this applicant, Bettie Hicks in the Cherokee Nation after the war? A About '78 I believe.
Q Where was that? A Vinita.
Q Have you known her or rather have you known anything of her whereabouts since that time? A Yes, sir.
Q Have you seen her often or a few times? A Often from the time I come to Vinita.

By Mr. ~~Wendert~~: Where was Bill Holt living when you knew this woman at his place? A His home was, Bill Holt was down here on the Arkansas, where I saw this woman.
Q What part of the Arkansas? A George Whitmire had a cattle ranch there and that is the first time I saw this woman, in Canadian district, I reckon.
Q Near what point that you can name? A It was not far from the old ranch there.
Q I don't know where the Whitmire Ranch was? A It was on the Arkansas river there, I know I saw Bettie distinctly.
Q On what side of the Arkansas did you see this Bettie as a slave of Bill Holt? A I don't know which side, I think it was on the other side.
Q You were there at his place wasn't you? A No, sir, he was at our place.
Q Did he have all his darkies down there? A He didn't have all of them I saw Bettie.
Q Where was Bettie when you saw her? A I don't know.
Q How old was she when the war broke out? A She was brown woman, grown woman? A Looked like to me.
Q And you don't know where it was you saw her? A I don't know; I knew distinctly I saw her when I went to Kansas.
Q How many sisters had Bettie? A She had Sallie.
Q Which is the older Sallie or Bettie? A I don't know, I think Sallie is the oldest.
Q And you don't know which side of the river Bill Holt's place was on? A No, sir.
Q Which side of the river was Whitmire's ranch? A On the North side.
Q And Vian Creek? A On this side I reckon.
Q And on which side of the river was Bill Whitmire's ranch on?
A On the west side, towards Fort Smith.

Cour't Record: In this action the attorney for the applicant prays that the testimony taken in the case of the application of Joshua Holt for enrollment as a Cherokee Indian be made a part of the record in the case at bar; said Joshua Holt having been listed for enrollment on doubtful card 144, and a copy of said testimony will be filed with

the testimony and proceedings of the applicant.

J. D. Rosen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed: J. D. Rosen.

Subscribed and sworn to before me this 24th day of June, 1901.

(Signed) W. L. Hedden,
Commissioner.

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J. D. Rosen, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in this case.

J. D. Rosen

Subscribed and sworn to before me this 15th day of August, 1901.

[Signature]

Commissioner.

NOTICE!

IN THE MATTER OF the application of Francis Johnson
for enrollment as a Cherokee citizen:

Case No. D 676

To Francis Johnson or, Pellette & Smith, her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on Oct. 7th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 1901

L B Bell
W. H. Harrison
Attorneys for the Cherokee Nation.

File with C.F. D-676, Frances Johnson.

SUPPLEMENTAL C.F. D-676, Kate Ridge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I. T., October 3, 1901.

In the matter of the application of Kate Ridge for enrollment
as a Cherokee Freedman.

TESTIMONY ON THE PART OF CHEROKEE NATION.

Appearance:

Mr. McCreese, of Hollister & Smith, attorneys for Kate Ridge;
Mr. L. B. Bell, of attorneys for Cherokee Nation;
and Mr. W. W. Hastings, of attorneys for Cherokee Nation.
W. H. WOOD, being sworn by Commissioner Hastings, testified as

follows:

BY MR. BELL:

- Q What is your name? A W. H. Wood.
Q What is your age? A 43.
Q Post-office address? A Zenith, I. T.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Were you living here when the war began? A Yes sir.
Q Where did you go? A Into the Cherokee Nation.
Q For when did you return to the Cherokee Nation after the close
of the war? A In '86.
Q Where did you come to? A Came to a place known as the Polston
place, on the south-west part of Pease's Prairie, Delaware District,
Cherokee Nation.
Q How far was that from where the Pease's place, around Honey
Creek? A About a mile and a half.
Q When did you move onto to that place? A Moved on that place
in the fall of '86, I don't remember the month exactly.
Q Well did you live there when the war began, or how come you to
go on that place? A We lived on Whitewater in the Cherokee Nation.
Q How came you to go on that Polston place? A I bought it from
Dr. Polston, my father-in-law.
Q How old were you at that time? A I guess I was about 14 years
old.
Q Was there any town there at that time, near there? A No sir,
there was no town, there was a little post-office and store over
near the line that they called Honey Creek.
Q How long did you live there on that place? A We lived there about
2 years.
Q Then what did you do with it? A Sold it back to Dr. Polston.
Q And you left? A Yes sir.
Q Well now you went there in the fall of 1888 and you stayed there
then? A Until the fall of 1888.
Q During the year of 1866, that is to say, the winter of 1866,
were there any freedmen living on that place? A No sir.
Q Were you acquainted with one Kate Ridge a Freedman? A No sir.
Q Cornelius Ridge? A No sir.
Q No parties of that sort lived down on that farm? A No sir.
Q Are you acquainted with white known as the old Washburn place
at that time? A Yes sir.
Q Was there any freedmen living at that place at that time? A No
sir.
Q How far is that from the Polston place? A About a mile and a
half north and west.
Q Well now south and east of that place for a mile and a half
around about that Polston place was there any other houses? A No
sir, nothing but hills and hollows, no improvements whatever for
or a mile.
Q What did Dr. Polston do with that place after you returned at that
time or did he want? A He sold that place to the place where he went at

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in '68.

Q Where did he move from to that place? A He moved from Mayesville, Arkansas.

Q Where was he living during the year of 1867 after you bought that place from him? A He was living, I think possibly he moved out part of his family to Mayesville and part of them was in Fayetteville in the early part of '67, and in the winter of '67 they all moved there to Mayesville and lived there until he bought this place.

Q Now do you know anything about where Dr. Polston was in the early part of '66, or where he came from when you saw him and your father bought the place? A He came from Arkansas.

Q He was a white man was he? A Yes sir.

Q Do you know when the, - No, I don't guess you do either, you never did get acquainted with Katie Ridge did you? A Never have seen her that I know of.

Q There never was any Freedmen on that place from '66 after you bought it? A No sir, there wasn't, but one house and we had it.

Q After that was there any Freedmen lived on the Washburn place that you know of? A Not that I had a knowledge of.

Q But you moved away from that place in '68? A Yes sir.

BY MR. MILLER:

Q How old are you, Mr. Wood? A 48 years old last July, sir.

Q You must have been about 13 years old then in 1866, that right?

A Yes sir, going on 14 I think.

Q What did you mean by buying a place at that time, you didn't buy a place did you? A I sold my father.

Q You were quite a young boy at that time? A Yes sir.

Q Do you remember well everything that took place in those days?

A Yes sir, I do.

Q You paid particular attention to just who was living around there? A Yes sir, there wasn't as many but that you could count them very easy.

Q You were 13 year old boy and still you recollect it at this time? A Yes sir.

Q What place are you talking about as the one that mixed colored people did not live on? A On the Polston place.

Q Where was that? A On the south edge of Peter's place in the Cherokee Nation.

Q Was that on Honey Creek? A No sir, it wasn't directly; the branch of Honey Creek, a mile I guess from the Creek.

Q How many Polston places were there in that country? A Just the one.

Q How do you know? A I lived there.

Q You were a boy 13 years old, and you remember that there were no other places belonging to Polston? A Yes sir.

Q Where did you go during the war? A I went to the Cherokee Nation.

Q When did you return? A In '68.

Q What time in '68? A Spring.

Q What time in the spring? A We left Cherokee Point in the Cherokee Nation in April and I think we were possibly 3 months getting through.

Q Do you know Herman or Hiram Ridge? A No sir.

Q You don't know where he lived before the war then? A No sir.

BY JON R. NEEDLES:

Q Are you a Cherokee citizen? A Yes sir.

BY JON R. NEEDLES:

Q By blood? A Yes sir.

Q What is your occupation? A I am farming and selling goods.

BY MR. NEEDLES:

Q Now you said you returned in '68, did you come to the Cherokee Nation in '68? A No sir.

Q Where did you come to? A I came to on Peter's place in the Cherokee Nation to Mrs. Hiram Ridge.

Q And then moved down to the Honey Creek place in '68? A Yes sir.

Katie Ridge etc (sup'113)

Wm. M. Woodall, being sworn by Commissioner New 103, testified as follows:

I MR. WOODALL

Q Give your name, age and post-office? A W. M. Woodall, 58, Big Cabin.

Q This is a case, Mrs. Woodall, of Katie Ridge, Freedman woman, claiming to be a Cherokee slave before the war of a Cherokee, and now claims a right as a Cherokee citizen under the 9th article of the treaty of 1856, were you acquainted with the Ridge family, Cherokees? A Yes sir.

Q Where did you know them? A I know them in Fayetteville, Arkansas. Q How did you get acquainted with them? A I married into the family.

Q Who was it? A I married Thomas Ridge.

Q About when was that? A I married him in '58, spring of '58.

Q Were you acquainted with one Herman Ridge? A Yes sir, it was my brother-in-law.

Q That was a brother of your husband? A Yes sir.

Q Were you acquainted with Miss Flora Polston? A Yes sir, she was a sister to my husband.

Q Were you acquainted with Mrs. Sarah Ridge? A No, she died before I went there; she was the mother of my husband. She died a year or so before I went there.

Q Where did this Herman Ridge, your brother-in-law, live when you became acquainted with him? A At Fayetteville, at his sisters, Mrs. Washbourn's.

Q Was that his home? A Yes sir, all the home I ever knew of.

Q You never knew of him having a home in the Cherokee Nation?

A No sir.

Q This home that he had was in Washington County, Arkansas?

A Yes sir.

Q Did you know a negro woman he had by the name of Katie? A Yes sir.

Q Did she have a husband named Henry? A Yes sir.

Q Have any children? A Yes sir.

Q Could you name any of them? A Cornelius is the only one I ever saw while I was there that I know of; she had other children, but I don't remember of ever seeing them when they were small; I have seen them since they were grown.

BY MR. WOODALL:

Q Mrs. Woodall, was Herman Ridge a Cherokee Indian? A Yes sir.

Q Didn't he have a farm in the Cherokee Nation? A Not that I ever knew of, there was a farm here that had belonged to his father, but I don't think he ever claimed it.

Q He claimed to be a Cherokee citizen didn't he? A I don't know whether he did or not; he always lived there; he was living in Fayetteville when I knew him and I never heard him say.

Q You didn't become a member of the family until 1866 did you?

A No sir.

Q That was two years before the war began, say? A Yes sir.

Q When did you see Katie Ridge back in the Indian Territory, in 1866? A I wasn't there in 1866; I saw Henry, her husband, in Springfield, Missouri, the winter of '66, but I didn't see her.

Q Well you were a witness for Katie Ridge before the Wallace Court were you not? A Yes sir, that is, they asked me the usual questions you have asked me; they didn't ask me whether she was here in '66 or not; they didn't ask me that question at all; they asked me if I knew her and knew she belonged to the Cherokees before the war, and I told them I did.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q By what right? A By marriage.

Q You married Herman Ridge's brother? A Yes sir.

Q And by virtue of marrying his brother you are a citizen of the Cherokee Nation? A Yes sir, I was a citizen of the Cherokee Nation during his life; he was a citizen of the Cherokee Nation.

Q Your present husband is a Cherokee? A Yes sir.

Q Where did you live during the lifetime of Mr. Ridge? A We lived at Fayetteville, Arkansas.

Q How long did you live there? A A year and four months, that was as long as he lived.

Q That was up just about the beginning of the war? A Well I don't know, I lived there until '59. I left there in the fall of '59.

Q Where was the farm located that the father of Herman Ridge owned in the Cherokee Nation? A Well I don't know, it was somewhere on Honey Creek, but I don't know anything about the farm, that Herman Ridge owned?

Q No, that Herman Ridge's father owned? A Why it was somewhere on Honey Creek, but I don't know anything about the place; I never was there; I suppose that Dr. Polston lived on part of it, I don't know though whether it was or not.

Q How long after the close of the war was it that you saw Katie Ridge in Springfield, Missouri? A I never saw Katie Ridge in Springfield, Missouri, - I saw her husband.

Q Oh, you just saw her husband? A Yes sir.

Q Was she there? A I don't know, he said he was living near Springfield, Henry Ridge told me he was living there near Springfield at the time I saw him.

Q But you didn't see Katie at all? A No, I didn't see her; ~~xx~~ I didn't see any of his family at that time.

Q When did you see Watie Ridge first? A I saw her in '72 here in the Cherokee Nation, fall of '72.

Q Where did you see her? A I saw her on the road toward Southwest City on the old Watie place. That's as near as I can tell you; I don't know exactly where on the road I saw her, I was horseback and not the wagon; I was with Stan Watie's daughter, and she told me that was Uncle Henry and his family, and I stopped and spoke to him.

JOHN R. SHIELDS, being sworn by Commissioner Needles, testified as follows:

BY MR. REEL:

Q Tell that gentleman your name, your age and post-office? A Grove is my post-office; my name is John R. Shields; my age is 53.

Q Are you a citizen of the Cherokee Nation? A I guess not.

Q Well how do you put it down for a fact? A Well I expect you will have to put it down for a fact that I never proved my right somehow or another; my wife claims citizenship, but we never went through; we are one of these that got behind. I am not a citizen myself at all.

Q You are a white man, not an Indian? A Yes sir.

Q Where were you living in '66? A I was living 2 miles north of Southwest City, up on what is known as the "Line Road", line between the Cherokee Nation and Missouri.

Q Were you living 2 miles north of Southwest City or what is now called Southwest City? A 2 miles north of what is now Southwest City at the present time.

Q At the time you lived there was there a town on the present site of Southwest City? A No sir.

Q What was there? A Honey Creek without anything more, there was a man's farm there, crossing of the road on the Creek; there was no town or village there at all.

Q Can you state just when a store was first put up there and a town started? A I can't give the exact date, but directly after the war in '66 or perhaps '57.

Q Who was the first man that went there? A Alex Brothers and J. L. Langman were the first men to put up stores.

Q Was there a post-office established there? A Well they kept a post-office there in the store, in the hands of Mr. Brothers I think the post-office was handled.

Q Well the post-office was there in the store? A Yes sir.

Q What was the place called then? A Honey Creek. did it

Q How long did it remain that name of Honey Creek, or when changed back to Southwest? A It remained Honey Creek until there was a little village started up there and then it was changed to Southwest City.

Q Was that in one or two or three years? A Well yes, three years perhaps, somewhere along in that range, I don't know just when, I don't recollect the date as to when it was changed, but after the town was started a little.

MR. MELLATT: I don't believe I want to ask him anything.

JAMES M. BELL, being sworn by Commissioner Needles testified as follows:

BY MR. BELL:

Q Give me your name, age and post-office? A My name is James K. Bell, aged 69, post-office Needmore, or Vinita, either one.

Q You are a citizen of the Cherokee nation are you? A Yes sir.

Q How long have you lived in this Cherokee nation? A Well with the exception of a few intervals I have been here since '39.

Q Well you have been here 40 years or more? A Yes sir.

Q Were you acquainted with John Ridge's family? A Yes sir.

Q Do you know when John Ridge died? A He was killed the 12th day of June, 1839.

Q Where did he live then? A He lived on Honey Creek, in Delaware District.

Q Did he leave a family? A Yes.

Q Name what they were if you can do it? A As far as his first child was not of sound mind, a girl, Helen Ridge was the next, Herman, Kneous, Andrew, Susan Washburn, Flora Polston, constituted the family.

Q Well, how long did they continue to reside, or did they continue to reside in the Cherokee nation after John Ridge's death? A I think they moved out immediately, out of the country; they didn't remain long after the death of Ridge.

Q What became of them? A They moved to Benton County, Arkansas.

Q How long did they reside there, or did they continue to live there? A They were living there when I was visiting the family but afterwards moved to Fayetteville, that was in '50 sometime, that I was there.

Q That in Benton County? A In Benton County.

Q Where you say they afterwards moved to Fayetteville? A Yes sir.

Q Where is Fayetteville? A In Washington County, Arkansas.

Q You were acquainted with Herman Ridge were you? A Yes sir.

Q How old a man was he at the time of his death, if you know?

He was between 35 and 40; he was 25 I reckon; between that and 40.

Q Well he was killed when? A He was killed in '35 I believe, or '36, in the Cherokee nation.

Q Well his father was killed in '39, how old did you say he was you think? A I think he was between 35 and 40.

Q How where did he live and make his home? A He was with his mother; he was a single man; had no family of his own.

Q He was with his mother where? A In Benton County, Arkansas.

Q When did he join the army? A He joined in '62.

Q Where well did he come from Arkansas to the army? A Yes.

Q Do you know of his ever being a farm, location or home or plantation in the Cherokee nation after his father was killed and his family moved out of the country? A Never did.

Q You were intimately acquainted with the family were you? A Yes sir.

Q They were closely related to you were they? A Yes sir.

Q By blood, friendship, social matters or what? A It is my

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standing that we are related by blood, but what degree I don't know, but the family were intimately acquainted.

BY MR. HELLER:

Q Where did you live just before the war? A My father lived in what was called Flint district down here near Stillwell before the war.

Q Where did the Ridges move from when you say they moved to Benton County, Arkansas? A They moved from off of Honey Creek, Delaware District.

Q That's in the Cherokee Nation? A Yes sir.

Q Well they kept up their farm after they went to Benton County, didn't they? A Rollin Ridge moved onto the farm after his father was killed, but didn't remain there long; Rollin Ridge was the oldest son, and moved back onto the farm with the expectation of restoring the old place I guess, and living there.

Q Now were you there and know all about this personally, did you see that? A I saw Rollin Ridge there, yes sir, at the place.

Q I will ask you if Peter Ridge, a slave, was not in charge of that place for the Ridges after they went out into the State? A I don't know anything in regard to that.

Q I will ask you if they didn't leave the Territory because of the murder of John Ridge? A That is the family?

Q Yes. A Left the country on that account, that's my understanding, yes sir.

Q You don't mean to say that they abandoned their citizenship in the country? A Well I don't know; it is my impression that they did.

Q Why? A Why it was impossible for them to live here.

Q All you know is that they were out of the Territory? A Yes, I know that they were out of here.

Q I will ask you now if a Mrs. Ridge, the mother of Herman Ridge, who lived in Benton County, there at Fayetteville, she didn't send her slaves back and forth from there and was to their farm to keep it up? A I know nothing of that.

Q Didn't she take supplies from that farm over to her house at Fayetteville to live on? A She might have done so, but I knew nothing of that.

B. HELL, being sworn by Commissioner Needles, testified as follows:

BY MR. W. W. HASTINGS:

Q What is your name? A L. B. Bell, 62 years old, White.

Q Where were you born? A Well I was born in the State of Georgia I guess, Haverham County, they tell me; I don't have no recollection of it.

Q Where did you live when you were first old enough to remember, in the Cherokee Nation here? A Well I think I was right down here below the Grand Saline, below that Grand Saline town in 1812, when the whole world was flooded, I just have recollection of moving out of there, '43 or '44.

Q Do you remember the Ridge family? A Yes sir.

Q Do you remember where the old Ridge place was on Honey Creek this side of Southwest City? A Yes, I know that they called the old Ridge place, on Peter's Prairie.

Q Were you ever at that place prior to the war? A Oh lots of times.

Q Now who lived there, comparatively? A One Peter, and my first got acquainted with John, Rollin Ridge, a son of John Ridge lived there, him and his family, and he stayed a long time and then he had to go to California, and then he came back and he was there, then an old man named Peter, an old man of the name of Peter, remained on the place for a long time, and then he was in the hands of Dr. Polston, and married a woman, and the Ridges family; they lived there until they were killed.

Kate Ridge (Sup' 1) 7

or 4 years.

Q Did you know Herman Ridge? A Yes sir, I knew Herman Ridge as far as I could recollect.

Q Where did you know him? A I knew him in Benton County, Arkansas, was first born at Washington County, Arkansas, at Fayetteville.

Q Was he living at Fayetteville when the war came up? A He lived there and at Fayetteville from '40 on until the war as well as I could recollect him, and then he came and joined our command, that is the Confederate Army, General Watts was a kinman of his and he joined the 4th Regiment that he was in, and I think he was killed in '65, or maybe '62.

Q Anything else you want to state? A That's about all I know about that place, except that Polston occupied the place and lived there, his wife died in about 1868, his heirs own it yet.

BY MR. MELLETT:

Q You are chief counsel for the Cherokee Nation in the conduct of these Freedmen cases are you? A Yes sir, supposed to be.

MR. MELLETT: Well I believe if that is the case I will let you go.

MRS. M. M. WOODALL, being re-called and further examined, testified as follows:

BY MR. WHEEL:

Q Did Herman Ridge keep his slaves, keep this Katie up there in Washington County while he lived there? A Yes sir, they lived right there.

BY MR. MELLETT:

Q Did she return to the Cherokee Nation at any time that you were there? A Not that I know of.

Q You don't pretend to say you can remember back that long and say she didn't return to the Cherokee Nation? A She never returned to the best of my knowledge, I was there.

Q How the descendants of the Ridges are still citizens of the Cherokee Nation are they not? A Yes sir.

Q The Washburns? A Yes sir.

Q What relations are the Washburns to Herman Ridge? A Mrs. Washburn was Herman Ridge's sister, the children are Herman Ridge's nieces and nephews.

Q Where was Mrs. Washburn living when you were living at Fayetteville? A She was living at Fayetteville.

Q And did she live after the war? A Yes, at Fayetteville.

Q No, where did she live after the war? A When I knew her after the war she lived here in the Cherokee Nation on Honey Creek.

Q This Mrs. Washburn was Herman Ridge's sister and lived at Fayetteville with Herman Ridge, came back to the Cherokee Nation after the war as a citizen? A Yes sir.

Q The wife of a young lady at the time she was living at Fayetteville?

A Yes, as a married woman.

Q Married to Washburn? A Yes sir.

Q Didn't they all leave the Cherokee Nation because they were afraid of their lives after John Ridge was murdered? A Well I don't know why they came, I don't know in the family then.

Q They all came back to the Cherokee Nation after that? A Mrs. Washburn and her family and Polston and his family came back.

Q Polston married Herman Ridge's sister? A Yes sir.

Q Did he leave the Cherokee Nation after that? A I don't know during the war, I don't know what time that is.

Q Where was Polston living when he came into the Cherokee Nation?

A He was living in the Cherokee Nation, I don't know where he was living before.

Q He was living with his family at that time? A Yes sir.

Q I will ask you if you will, did you know Herman Ridge?

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Page 10 of 100

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the Commission and the other two are made for the Commission.)

V. D. Green, being first duly sworn, states that on stenographic
the Commission in the case of the other two, they
the testimony and proceedings in this case and that the foregoing is
a true and complete transcript of his stenographic notes thereof.

M. Green

Subscribed and sworn to before me this November 12th, 1901.

[Signature]

100-100000

Supl. Q.F.-D.#648.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
BALLIE MILLER as a Cherokee Freedman, introduced on behalf of
Cherokee Nation:

APPEARANCES:

Mr. Hollette, of Counsel for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON MCKENZIE, being duly sworn by Commissioner Needles,
testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Simon McKenzie.

Q Where do you live? A I live up Pryor Creek, about five miles
north of Pryor Creek.

Q What is your age? A I am 59.

Q How long have you lived in the Cherokee Nation? A Been living
here all my life, only few times I have been out of the Nation.

Q Well, you were out of the Nation; when you were out of the Nation
what places were you at? A When I was out of the Nation I lived at
Fort Scott, Kansas.

Q About what year did you live in Fort Scott, Kansas? A I lived
from 1865 down to 1866, '67 and down to spring of '68.

Q During the years you lived there did you become acquainted with
Ballie Miller, or Holt, or Walker? A Yes, sir, I was acquainted
with one lady named at that time Ballie Holt.

Q Well, did you know her family at that time, her mother?

A Yes, sir.

Q What was her mother's name? A Aunt Easter Holt.

Q Did you know any of her brothers? A Tecumseh and I forget
the other one's name, was another one.

Q Do you know whether it was Moses or Joshua? A Yes, sir, Moses and
Joshua.

Q Did you know any of her sisters? A Yes, sir, but I forget their
names.

Q Now, where were they living, if you know, during the years you
lived at Fort Scott? A They lived in an old Government building
right in Fort Scott.

Q You went there in 1865? A In '65.

Q How long had you been there before you knew these people, or got
acquainted with them? A I was there about a month or two or three
months, I could not state the time.

Q Well, where were they living when you left Fort Scott, Kansas,
if you know? A Well, Aunt Easter was living in an old Government
building.

Q Have you seen any of them since that time? A No, sir.

MR. HOLLETTE: Now, Mr. McKenzie, you don't know that the woman
who is an applicant here for enrollment is the woman whom you say
you saw up at Fort Scott, Kansas, at the close of the war, do you?

A I don't know the woman.

Q You don't know that that is the same woman? A In the same name.

Q It is not the same name? A She name Holt.

Q Well, you don't know that that is the same woman that you knew
up there, do you? A Well, it was a daughter of Easter Holt, it
was a Ballie woman.

Q Well, you don't know anything about this applicant, you have
never seen this applicant here? A I haven't seen her here.

- Q Well, you have never seen her since she has made application here for enrollment have you? A No, sir.
- Q Now, when did you leave Fort Scott, Kansas? A I left there early in '68, in the spring.
- Q In the spring of '68? A Yes, sir.
- Q What were you doing up there at Fort Scott? A I was working there at Fort Scott, for Billy Shanahan, stone mason, doing public work there.
- Q Did you keep track of these colored people? A All I saw.
- Q Did you ever testify in this case before? A I guess I did.
- Q When? A Not long ago at Fort Gibson.
- Q You give testimony up at Fort Gibson? A I think I did.
- Q How long ago? A I don't know exactly whether it was last month.
- Q How old are you, Mr. McKenzie? A I am 59.
- Q Well, it has been 35 or 6 years ago then since you saw them up there at Kansas? A Yes, sir, I guess so, I never kept count of the time.
- Q Well say 35; well, Mr. McKenzie, can you remember just about the time you saw these people up there 35 years ago? A Well, I guess I could remember it, I stated before.
- Q There is no reason why you paid particular attention to them? A No, just seeing them pass and repassing about.
- Q You left there in the spring of '68? A Yes, sir.
- Q Well, they could leave there a year before that and you not remember it 35 years afterwards? A Didn't I saw they back and forth all the time I was up there, off and on.
- Q Well, now, off and on there, you saw them? A Every week.
- Q Can you remember 35 years ago you saw these people every weeks? A I guess so, I wouldn't be here if I didn't thought I could testify nothing.
- Q Well, you feel because you are here you have to testify something? A I don't know.
- Q Well, I want to know if you can remember 35 years ago you saw these people every week? A I did while I was living in Fort Scott most every week.
- Q Is it possible they might have left there a year before you did? A If they did they went back in a short time.
- Q What were you paying so particular attention to those people for? A I could not tell you.
- Q You just watched them? A Well, just seeing them pass and pass every day.
- Q Who else did you see up there at Fort Scott? A Why I see good many.
- Q What other colored people? A Good many. Good many other colored black people, but I don't know their names.
- Q Well, now, give the name of some other colored person you saw up there except this family? A I could not give their name.
- Q There were a great many colored people in Fort Scott? A Yes, sir.
- Q And of all the colored people that was in Fort Scott this family is the only one you remember the names? A Yes, sir; of course I was passing there and some lived out in the country.
- Q Well, who else lived in the Government building there? A Good many families.
- Q Good many families? A Yes, sir.
- Q Why don't you remember the names of the other colored people? A Because the boys I remember them, and part lived in town.
- Q Why can't you remember the names of some other colored people you saw there some time? A Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
- Q Who is Bill Thompson? A There he is (pointing to a man in the audience).

Q And who else was there? A Bill was blacksmith, Tom Brown.
 Q Was it Tom Brown or Bill Brown? A Tom Brown.
 Q When did they leave there? A I don't know.
 Q Were they there when you left? A I don't know, they lived out at the edge of town; at home when I left town I went out about three miles of town and a family lived there by the name of Campbell, worked right there at Fort Scott. I know the whole generation if you will give me time to call the name over, the whole generation of them.
 Q What makes you remember seeing these people there all the time you were there? A I saw them off and on, because I was working in town; Tom Brown was a blacksmith, worked in town.
 Q When was the last time you remember seeing this Sallie Miller? A Well, I saw when I left Fort Scott.
 Q Did you see her the day you left? A No, sir; I didn't see her the day before I left.
 Q How long before you left did you see her? A Oh, short time, maybe a week or two weeks.
 Q You remember then of seeing her two weeks before you left? A Yes, might have been two weeks, and maybe longer and not so long.
 Q Maybe a year too? [No response.]
 Q Was it a year? A No, sir, I don't think it was a year; if she left there at all she went west, went towards Hapleton.
 Q How do you know she went to Hapleton? A Well, if she left at all.
 Q What makes you think that? A That was the talk.
 Q How was that? A That is why I found out by talking with her brother.
 Q You got a letter? A No, sir, talking with her brother.
 Q You are testifying to what her brother told you?
 A That is how I found out where she went, if she went off at all.
 Q That is the reason you are swearing that she was there all the time you were there? A No, sir, I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A William Margrave.
 Q What is your age, Mr. Margrave? A My age is 30—about 32. I am away along in the 33 year.
 Q Where do you live, Mr. Margrave? A Fort Scott, Kansas.
 Q How long have you lived at Fort Scott, Kansas? A Since 1894.
 Q Since you lived at Fort Scott, Kansas, did you become acquainted with a colored family by the name of Holt or Holt?
 A Yes, sir.
 Q You know the old lady's name? A Yes, sir, do you mean the mother?
 Q Yes, sir; what was her name? A Baxter Holt.
 Q How many of the children do you remember, Mr. Margrave? A Let's see, there was Mose, Susan, Sallie and Josh.
 Q When did you become acquainted with the family? A I am not positive, I think they came there along towards the close of the Civil war, if they didn't they came there very shortly afterwards.
 Q Well, now, where did they live with reference to where your home was? A Well, most of the time they lived in, I should judge, about a hundred yards, except Mose he lived, after he married, he lived about 50 yards.
 Q Well, now, where is Mose Holt living now, do you know?
 A Living right there by me in Fort Scott.
 Q Do you know where Josh is living? A I do not, he has been away from there a good many years, I don't know how long.
 Q Well, about how many years has it been since Josh moved away from there? A Of course that would be long, I don't know, something I never keep no count of. I don't think he has been in Fort Scott for the last 25 years, I might not be correct about it.

Q About how long has it been since Teanumash moved away from there?
A That maybe all the way from five, six, seven or eight years,
not longer than that.

Q Well, when did Bettie leave there, about when did she leave?
A That is quite a while ago, I could not tell that.

Q Well, did Gallie Holt marry while she was up there? A Yes, mar-
ried twice.

Q What was her first husband's name? A Well, he died and then
she married a Miller.

Q Do you know what Miller's first name was, or what he was known
by up there? A Stephen I believe it is.

Q Have you seen Gallie Miller, the applicant, since you been down
here? A I saw her this morning, spoke to her.

Q Did you recognize her as the same woman you knew up there as
Gallie Holt? A Well, she lived right there near as far I expect
30 years, I don't know that it was that long, of course I knew her
as well as I knew anybody in Fort Scott.

Q About how long ago was it since Gallie left Fort Scott?
A Well, now, I can't tell you.

Q Well, you came from there in -? A Seven, eight or ten years.

Q Do you know where Aunt Gaster Holt is living now, whether she is
living or dead? A I saw her I think about a year ago up in Fort
Scott, I have never heard of her dying.

Q When did she move away, if at all, from Fort Scott, Kansas?
A It wasn't to those dates.

Q About how long? A I would think it was six or seven years ago.

Q You got acquainted with this family as I understand you, sometime
about the close of the war? A Yes, sir, I knew them by sight and
afterwards got acquainted with them.

Q They afterwards lived right near you? A Yes, sir. It was
right close to me, I don't think it was over a hundred yards from
where I now live.

Q And they lived there then in your neighborhood from the time you
got acquainted with them up until a few years ago? A Yes, just
as I stated.

MR. MOLLISTON: Now, where was Gallie Miller in the fall of '65?
A I don't think I could tell just that because -

Q Well, now, where was she in '66? A The family was there, I
am satisfied they were in Fort Scott in '66.

Q I am talking about Gallie Miller now? A I know you do; one of
the family might have gone away.

Q You can't say that Gallie Miller, or Gallie Holt, was not here
in the Cherokee Nation in 1866 can you? A No, sir, I cannot;
I know the family was living up there at that time. She or the fam-
ily could go off and I would not know anything about that; go off
and return again.

Q Isn't it a fact that she was down here in '66, and didn't go
back up to Kansas for a couple of years after '66, about '68?

A No, I don't know.

Q You don't know? A No.

Q That might be true, might it not? A Yes, the family was there,
I know they didn't all come here; might be such a thing as she did,
of course not looking for a thing of that kind I might not know.

Q Well, those people might have come down in the Territory from
time to time without you knowing their business, might they not,
20 years ago? A You mean me at the time?

Q Yes, or two at the time? A Of course they might.

Q Gallie Miller's husband died up there, one of them? A Well,

Q Didn't she take some children back from there the first of the
year went back? A Children, I don't know anything about that.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.

Q What is your age, Mr. Forbes? A 54.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 35 years.

Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holt? A Yes, sir.

Q What was the old lady's name, if you know Mrs. Forbes? A I don't exactly know what the old lady's name was.

Q What was the children's names? A I have heard the names; well, there was Moss and Josh and Mrs. Walker, well, there was one or two others.

Q Do you know whether her name was Sallie Walker or what her first name was? A Her name was Sallie Walker.

Q Did she marry a man by the name of Walker? A Yes, sir.

Q Where was Walker at the time of his death, if you know?

A I don't know where he died, but I was informed that he died; that I don't know where he died, away or whether he died in Fort Scott.

Q Well, do you know whether or not she married after Walker's death?

A Yes, sir.

Q Who did she marry that time? A Man by the name of Miller.

Q Do you remember his first name? A Well, I have heard it called Step Miller.

Q What business did he follow? A Sheemaker.

Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bat or Bit, I think that is it; and there was Moss and Josh.

Q Any one else you remember? A I think there was more than that.

Q Do you know where Moss Holt is living now? A Living at Fort Scott.

Q Do you know anything about where Josh is living? A No, sir.

Q About when did Josh Holt move away from Fort Scott, Kansas?

A Well, he moved away from there good many years ago, I don't know very well; I wasn't very well acquainted with him on that account.

Q Well, when did the applicant, Sallie Miller now, formerly Sallie Holt, move away from there? A I could not say, I think the best of my judgment it was eight or ten years ago, but I could not say after I got acquainted with them in '70, then I was personally acquainted with them after that.

Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there afterwards.

Q Do you know what became of Bessie whether she is living up there or alive? A No, I do not.

Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.

MR. MELLETT: Mr. Forbes, you don't know where these people, any of them, were in 1866, '67 or '8, do you? A No, sir.

Q Isn't it a fact that they came, after you knew them, that they came back and forth down here in the territory and back up to Kansas?

A I didn't know anything about that; I think I heard some of them talking about going down to Fort Smith or going from Fort Smith, something when I got acquainted with them.

Q Fort Smith down here on the border? A Yes, sir; I wouldn't be positive of that; some little recollection is in my mind, but I wouldn't be positive.

JAMES BRIGHTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A James Brighton.

Q Where do you live, Mr. Brighton? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 20 years.

Q Since you have been living at Fort Scott, Kansas, have you become acquainted with a family of colored people by the name of Holt?

A Yes, sir.

Q What members of the family are you acquainted with? A I know Mose, Mose lives there now, well I think any other one, George Maybe.

Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.

Q You are not very well acquainted with them? A I knowed Mose well and knowed where they lived well; no, I am not well acquainted with the lady folks.

Q Did you ever know the mother? A No, sir.

MR. MELLETTE: You don't know where the women folks made their homes, whether they made it here and visited up there, or where they really belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

MR. DAVENPORT: what is your name? A William Sexton.

Q Where do you live, Mr. Sexton? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A I have lived at Fort Scott ever since '69.

Q Well, since you came to Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A I did.

Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.

Q What was her name? A Her name was Easter Holt.

Q What were the names of the children, or as many as you can remember? A There was one by the name of Mose, Josh, and Gush and Jennie and Sallie; that's as many as I recollect.

Q Well, did you know Sallie Holt, if she was a grown woman?

A Sallie she was a woman when I got acquainted with her.

Q Josh, was he grown when you got acquainted with him?

A No, sir, he was a young man.

Q Would you know Sallie Holt if you would see her now?

A Yes, sir.

Q I wish you would look back through the audience and see if you see her? A Yes, sir.

Q You recognize her as being the same woman, Sallie Holt, you knew?

A Same woman.

Q Did she marry while she was living up at Fort Scott? A She was married when I got acquainted with her.

Q Do you know what her husband name was? A Her husband's name was Walker.

Q Do you know whether Walker is living or dead? A He died.

Q Well, did she marry again? A She did.

Q Do you know who she married? A She married a man by the name of Miller.

Q Do you know his first name? A Stepney.

Q What was his business? A He was a shoemaker up there.

Q You knew Josh too up there did you? A Yes, sir.

Q And Tecumseh? A Tecumseh.

Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.

Q Do you know whether or not there was a girl by the name of Bettie?

A I wouldn't be positive but it appears to me there was.

Q Were they living in Fort Scott when you went there in '69, Mr. Sexton? A Yes, sir.

Q Well, about how long after you went there did they continue to live in Fort Scott? A Now, I could not say; I didn't pay particular attention, sometime they would leave and sometimes they was there.

- Q Did they keep house while they were there? A Yes, sir.
Q Did Sallie live there with Walker when he was living?
A Yes, sir.
Q Where is Mose living now? A Moses is living up there now.
Q About how long has it been since you remember of Josh and then living in Fort Scott? A Josh hasn't been there for some considerable time.
Q Well, about how long? A It has been, I should judge, some ten or 12 years.
Q Well, how long has it been since Tecumseh has been living there?
A She has lived there to the best of my recollection, it has been that long since I seen him there.
Q Do you know where he went when he left there? A No, sir.
Q You don't know whether he went to Kansas City or not?
A No, sir, I do not.
Q Well, how long has it been since Sallie has been living there?
A I don't know.
Q Has she lived there any since she and Miller married? A Yes, sir.
MR. WELLETTE: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the Territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.
Q That is true? A Yes, sir.
Q You don't know where any of these people were in '66? '67 or '68?
A No, sir; I came to Scott in '69.
MR. DAVENPORT: And they were living there when you came?
A They was there when I came.

Com'r Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

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J. O. Resson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Resson

Subscribed and sworn to before me this October 15th, 1901.

[Signature]

Commissioner.

F. D-876.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 22, 1902.

In the matter of the application of John Carter for the
enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-876.

Applicant represented by Mellette & Smith,
Cherokee Nation appears by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said John Carter to enrollment as a Cherokee freedman. The applicant and his attorneys have this day been called and fail to respond.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced by the Cherokee Nation in the case of Nelson Murrell, Freedmen Docket #12, be introduced and made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Grewinger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Grewinger

Subscribed and sworn to before me this 7th day of July, 1902.

Seal

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T., May 31, 1902.

In the matter of the application of **WALTER ADAMS** for enrollment as a Cherokee Freedman.

Applicant appears by **Walter A. Smith**, Cherokee Nation, by **W. W. Hastings**.

By Mr. Smith:
The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of **James Whitmire, Trustee for the Freedmen, vs The Cherokee Nation**, No. 17208 filed in the **Marion Hayden** case F. D. 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of **James Whitmire, Trustee for the Freedmen, vs The Cherokee Nation**, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Francis Johnson, D. 374;

By **W. W. Hastings**:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First. It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second. Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third. Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth. The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of **Marion Hayden** will be made a part of the record as referenced in all the cases above named with the exception of those which are within the provisions of the temporary injunction recently granted by Judge Galt of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the **Marion Hayden** case that counsel for the applicant be allowed within this court to file any of the proof of any of the cases other than the decrees already referred to.

in the case of Moses Whitnir, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and perfect transcript of his stenographic notes thereof.

(Signed) R. E. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) F. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 29, 1902.

In the matter of the application of FRANCES JOHNSON for the
enrollment of herself as a Cherokee Freedman:

Appearances:

Applicant represented by Edn Wilson, her son,
Cherokee Nation, by L. B. Bell;

GEORGE GUNTER, called as a witness, being duly sworn and
examined by the Commission, testified as follows:

Q What is your name? A George Gunter.
Q What is your age? A Fifty two.
Q What is your post office address? A Redland.
Q Have you been enrolled by this Commission as a citizen of the
Cherokee Nation? A Yes sir.
Q Do you know Frances Johnson? A Yes sir.
Q About how old is she? A She is about fifty one or two,
she's the same age I am. We were raised up together.
Q Is she an applicant to be enrolled as a Cherokee Freedman?
A Yes sir.
Q How long have you known her?
A I have known her ever since I can recollect.
Q Where does she live? A Down in Sequoyah District.
Q How long has she been living there?
Q Why she has been living around there in that neighborhood
since about 1866, 1863 to 1865, I don't recollect.
Q From 1866 to 1885 do you know where she lived?
A She moved back with us from Red River. She came back from the
Choctaw Nation to Skullyville, and then they moved down to the
Peteau Bottom; my father turned them loose.
Q Was that in the Choctaw or Cherokee Nation? A Choctaw.
Q What year was that? A In 1866 as near as I can recollect.
Q Do you remember positively whether it was in 1866 or not?
A I can't say. Mr. Bell here knows, it was at the time Col.
Adair went back to Washington with other delegates to make the
treaty.

Mr. Bell: That was in 1866.

Q Was it before the treaty was made? A Yes sir.
Q When you got back, Frances Johnson, along with other slaves,
was turned loose, and she stayed in the Peteau Bottom, Choctaw
Nation? A Yes sir.
Q Do you know how long she stayed there?
A No sir.
Q After she went down there, from the time your father turned her
loose, you lost sight of her till 1863 or 1865? A Yes sir.
Q You know nothing of her residence until she returned again
in 1863 or 1865? A No sir.
Q Where has she been living since you knew her in 1863 or 1865?
A She has been in our neighborhood.
Q Has she been living in the Cherokee Nation continuously since
that time? A Yes sir.
Q Do you know who owned her before the war?
A Yes sir, my father, George Gunter.
Q Was she a slave herself and she? A Yes sir.
Q Where did your parents live before the war?
A Down in Sequoyah District, at Redland.
Q What time did your father leave the Cherokee Nation during the
war? A It must have been about 1861, I reckon.

Q Did he take Frances Johnson with him ? A Yes sir.
Q Did she live in the Cherokee Nation from the time she was born until she went out of the Nation with your father during the war ?
A Yes sir.

Examined by L. B. Bell, Esq:

Q Who is this man that is making this application ?
A Eph Wilson, son of Frances Johnson.
Q How long have you known him ?
A I have known him ever since he was a child.
Q How while Frances Johnson lived in the Cherokee Nation did n't you ever see any of them at any time ?
A No sir.
Q Never saw them during any of that time ? A No sir.
Q About 1885 was her first showing in Sequoyah District ?
A Yes sir.

By the Commission:

Q Has she got any other children besides this boy Eph ?
A Yes sir.
Q What are their names ? A Linnie and Master and Peggie.
Q Were these children living with her when you knew her in 1883 ?
A The smallest one wasn't born then.
Q Have these children lived with her, so far as you know, since they have been born ?
A Until they got grown and went off to themselves.

By L. B. Bell:

Q This is the eldest one ?
A This here is the eldest one I think.
Q Did he move back with her in 1893 when she moved ? A Yes sir.

The Commission: This testimony will be filed with and made a part of the record in the matter of the application for the enrollment of Ephraim Wilson, et al, Char F 55.

H. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the foregoing is an accurate transcript of his stenographic notes thereof.

H. C. Bagwell

Subscribed and sworn to before me this September 3, 1902.

B. C. Jones
Notary Public.

Cher Fr D 677

Cher Fr D 677

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHULSEA, I.T., JUNE 11th, 1901.

In the matter of the application of Josie Anna Slaughter for the enrollment of herself and child as Cherokee Freedmen; said Slaughter being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith for Applicants.
Mr. R. B. Davenport, for Cherokee Nation.

- Q What is your name? A Josie Anna Slaughter.
Q How old are you? A 26.
Q What is your post office address? A Deway.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Who do you desire to enroll besides yourself? A Myself and child.
Q What is your child's name? A Sadie Smith.
Q How old is Sadie Smith? A Eight years old.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Charley Slaughter.
Q Is he a citizen? A Yes, sir.
Q Do you apply for his enrollment? A No, I guess not.
Q Were you ever married before? A Yes, sir.
Q To whom? A Walter Smith.
Q Is Walter Smith living? A No, sir.
Q He died before you married this man Slaughter? A Yes, sir.
Q Well what is your father's name? A William Robinson.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Mary Robinson.
Q Is your name on the roll of 1880? A Yes, sir, I think so.
Q You think it is? A Yes, sir, I think so.
Q Is it on any other of the rolls of the Cherokee Nation?
A On the Kern-Clifton and Wallace roll.
Q Where were you born? A Born on Grand river.
Q Where is that? A That is in Delaware District.
Q Is it in Kansas or California? A Cherokee Nation.
Q Have you lived there all your life? A Yes, sir, been living in the Territory all my life.
Q In the Cherokee Nation? A Yes, sir.
Q Never lived out? A No, sir.
Q Is Sadie Smith living? A Yes, sir.
Q Born in the Cherokee Nation? A Yes, sir.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 121, #3022, Josie Robinson, Cooweescoowee District.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

- Q Did you draw money for Sadie? A No, sir.
Q Never have drawn anything for her? A No, sir.
Q Her name is not on any of the rolls? A I heard it was, I don't know whether it is or not.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 154, #3210, Josie Ann Roberson, Cooweescoowee District.

BY MR. SMITH:

- Q Is the William K. Robinson who applied here this morning for the

Jessie Anna Slaughter, et al.--2.

enrollment of himself and wife, Millie, and seven children your father? A Yes, sir.

Q Who is your mother? A Millie Robinson.

Q That is your mother? A Yes, sir.

COM'R NEEDLES: Jessie A. Slaughter applies for the enrollment of herself and her child, Sadie Smith. She is not identified upon the roll of 1880 or census roll of 1896; she is identified upon the Kern-Clifton roll as Jessie Robinson, that having been her maiden name. She avers that she has married to one Walter Smith, now deceased, and that she is now married to one Charles Slaughter. She avers that she is the child of William H. and Millie Robinson; said William H. Robinson, her father, has been listed for enrollment as a Cherokee Freedman on Doubtful card #674; reference is made to the testimony taken in the application of the said William H. Robinson, and said testimony will be made part of the record in the case at bar and a copy thereof filed herewith. The name of her child, Sadie Smith, not being found upon any of the rolls of the Cherokee Nation, it will be necessary for her to file satisfactory proof of birth of said child. Now, the said Jessie A. Slaughter and her child, Sadie Smith, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. She will be duly notified by mail of the decision of the Commission when arrived at.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 24th day of June, 1901.

[Signature]

Commissioner.

File with Cherokee Freedmen D-677, *Jose a Slaughter*

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelms, I.T., June 11, 1901.

In the matter of the application of William Henry Robinson for the enrollment of himself and seven children as Cherokee Freedmen, and for the enrollment of his wife, as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mallett & Smith, for the applicants;
Mr. Davenport, for the Cherokee Nation.

- Q What is your name? A William Henry Robinson.
Q How old are you? A I am about 48, or 49 years old, I don't know my age exactly.
Q What is your postoffice? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q You apply for enrollment as a Cherokee Freedman? A Free colored person living here at the commencement of the Rebellion.
Q Who do you desire to enroll besides yourself? A Self and seven children.
Q Give me the names of your children? A Josie Ann.
Q How old is she? A 26.
Q She will have to enroll for herself, I want the children under 21? A James Abrellius.
Q How old is he? A 18.
Q Next? A Jennette.
Q How old is Jennette? A 16.
Q Next? A Charles B.
Q How old is he? A 14.
Q Next? A Margie Elizabeth, 12.
Q Next? A John Savannah.
Q How old is he? A 10.
Q Next one? A Ollie.
Q How old is Ollie? A 8 years old.
Q Next one? A Next is three years old, his name is William Doney.
Q That all? A Yes sir, that's all under age.
Q Are you married? A Yes sir.
Q Is your wife a citizen? A Claimant.
Q What is your wife's name? A Millie Robinson, nee Hill.
Q You don't apply for her, you say, has she been listed for enrollment? A No sir, she has not been listed yet, I can enroll her of course, she is married, been married twenty-eight years.
Mr. Smith: Better apply for her.
Com'r: Applies for himself and wife Millie.
Q Are these children all living? A Yes sir.
Q They were all born in the Cherokee Nation? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, I am satisfied.
Q What roll? A Wallace and Clifton.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicants not found thereon.
Kern-Clifton pay-roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 121 #3015 William Robinson, Cooweescoowee District.
Kern-Clifton roll examined for applicant's wife, and not found.
page 121 #3016 Jim Robinson, Cooweescoowee District;
page 121 #3017 Jennette Robinson, Cooweescoowee District;
page 121 #3018 Charles Robinson, Cooweescoowee District;

Page 181 #3019 Amanda Robinson, Cooweescoowee District;

Page 181 #3020 John Robinson, Cooweescoowee District.

Page 181 #3021 Olive Robinson, Cooweescoowee District.

Q Is her name Ollie or Alice? A Ollie.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

Page 154 #3209 Wm. H. Roberson, Cooweescoowee District.

Wallace roll examined for applicant's wife Millie, and not identified thereon.

Q Did you draw Strip money for your wife? A No sir.

Examined by Attorney Smith:

Q Where were you living when the war commenced, the Civil War?

A Best of my recollection, I was living in Delaware District, on the place they call Beatty's Prairie, in the Cherokee Nation.

Q Who was your father? A Munford Robinson.

Q Who was your mother? A Annie Robinson.

Q You were a free colored person? A Yes sir.

Q You were here at the time the war commenced? A Yes sir.

Q Did you go out? A Yes sir.

Q Where did you go? A To Ft. Scott, Kansas.

Q When did you return first to the Cherokee Nation? A In May, '86.

Q Where have you been living since that time? A In the Indian Territory.

Q What Nation? A Cherokee Nation.

Q Have you any children now older than James A.? A Yes sir.

Q Name them? A Josie Ann and Eva Ellen.

Q Is Josie Ann married? A Yes sir, her name is Rosie Ann Slaughter

Q Where does she live? A At Dewey, Cooweescoowee District, Cherokee Nation.

Q What is your other daughter's full name? A Eva Ellen Anderson.

Q Tell her husband's first name? A Arthur.

Q What is Slaughter's first name? A Charlie.

Q Have they any children, either one of them? A Slaughter has a step-child.

Q But your daughter I speak of? A Yes, one.

Q What is that child's name? A Smith. Married a second time; her first husband was Smith, second husband was Slaughter, that's the one she lives with now.

Q What is the Christian name of the child? A Sadie.

Examined by Cherokee Representative, Davenport:

Q Now Robinson, you were living at what point in the Cherokee Nation when the war broke out? A I was living on the place they call Beatty's Prairie, near the neutral land in the strip, I think it is in Delaware District.

Q Who were living near where you were living at that time? A Old man named McGee is the only one.

Q Was that Jeff? A I don't know.

Q Was Joe Ward living there? A I don't know anything about that.

Q Where was Jim Yeargin's family? A I don't know.

Q How old were you when the war broke out? A Between seven and eight years old.

Q How old is your oldest child now? A 26.

Q You went out of the Nation during the war and to what point did you go? A Fort Scott.

Q How long did you stay at Ft. Scott? A During the war.

Q That's where you got acquainted with William F. Foreman?

A First of my recollection; of course I had seen him before, but I didn't get acquainted with him.

Q You came back to the Cherokee Nation when? A In '86, May.

Q You came back before or after the Treaty was made? A After.

Q Did you come back in May? A May.

Q When you came back to what point in the Cherokee Nation did you come? A Big Cabin Creek, not very far from Lee Schrimsher's old place.

Q Who was living on the Lee Schrimsher place at that time, if any

one? Mr. Foreman, I believe,

Q Where was Newt Solrimacher when you came back? A My recollection is he lived over east somewhere, I don't know where.

Q Where was Reuben Sanders, and Solon James? A I don't know a thing about Solon James, but I remember Reuben Sanders and then, they lived on Big Creek. I don't know whether they came there after, or I think it was just about the time I moved in here.

Q William Foreman, did he live in Cooweescoowee or Delaware District at that time? A He lived in Cooweescoowee.

Q He is the same William Foreman that you and your brothers and sisters gave the one hundred and twenty-five dollars to to swear for you in the Kew-Clifton enrollment isn't he? A Same man.

By Mr. Smith:

Q What did you give him \$125 dollars to swear for you for? A That's his price, he charged that, and more than that he was to follow the court in case of rebuttal he was to see that we wasn't injured, and he had to travel backwards and forwards on the railroad and pay his expenses, consequently we just volunteered to give him that amount.

Q Who is William Foreman? A A Cherokee man.

Q Was he acquainted with the facts in your case? A Yes sir.

Q Did you hire him to swear to anything that wasn't the facts? A No sir.

By Mr. Davenport:

Q You just simply hired him to represent, he your brains? A No sir.

Q Was that Mr. Blythe living there near you before the war? A No sir.

By Com'r Needles:

Q This man Foreman, he was also acting kind of attorney was he?

A Right determine it that way, children you know, our parents deceased.

Q Was anybody else included in that \$125 dollar too besides your family? A No sir.

By Mr. Smith:

Q Was Foreman an older man than you? A Yes sir indeed.

Q You say he was acquainted with the facts in your case?

A Yes sir.

Q Did he demand that much from you? A He thought it ought to be worth about that much.

Q He knew the facts in your case, were there any witnesses who did know the facts? A There was two others we had that was acquainted with them.

Q That matter of paying Foreman wasn't before this Commission?

A No sir.

Q That was at another time, when the Clifton roll was made?

A Yes sir.

LEWIS WHITMIRE, being sworn by Com'r Needles, testified:

By Mr. Smith:

Q State your name? A Lewis Whitmire.

Q Where do you live? A On Lightning Creek.

Q What is your postoffice? A Hayden.

Q What is your age? A 62 years old.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A I don't know exactly, I guess it has been about 38 or 9 years.

Q Did you know him before the war? A No sir, I knew him in time of the war.

Q Where was he in time of the war? A He was at Ft. Scott.

Q Then did you first see him in the Cherokee Nation after the war? A First place I saw him was out here about a mile and a half south-west of Timbered Hill.

Q How far from Chelsea is Timbered Hill? A I don't know how far

it is from here, the place I saw him is about eight miles north-west of Vinita.

Q When did you see him first? A It was the winter of '66, I don't know exactly what time; it was winter, I don't know whether it was December or January.

Q You remember how long it was from Christmas? A No sir, I don't remember how long it was until Christmas.

By Mr. Davenport:

Q You remember whether it was before or after Christmas? A I don't remember whether it was before or after Christmas.

Q You came back to the Territory in the summer of '66? A Yes sir I came back here in the summer of '66.

Q And it was sometime in the following winter you saw him? A Yes sir

Q You don't know what time? A No sir.

Q Nor what month of the year? A No sir, I don't.

By Mr. Smith:

Q For what circumstances did you see him? A He was living with his father and mother in a old Government tent; camped right down in the bottom on the bank of Big Cabin Creek; I was horse hunting at that time.

HARRY STILL, being sworn by Com'r Needles, testified as follows;

By Mr. Smith:

Q State your name? A Harry Still.

Q Where do you live? A Hayden.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A Since '82.

Q Where was he in '82? A First time I saw him was on the neutral land when we started to Kansas.

Q Who was he with when you saw him first? A His mother and father, and his brothers and sisters.

Q What was his father's name? A Old man Robinson I always called him.

Q You remember his mother's given name? A No sir, I don't remember her given name.

Q When did you first see him in the Cherokee Nation after the war? A In the winter of '66, over here on Cabin Creek, first time, not far from the Newt Schrimsher place.

Q About what time was that? A It was along in the winter of '66 when I was there.

Q How many trips did you make back to the Cherokee Nation? A Three

Q When did you come back here the third time? A In the fall of '66

Q About what month? A Sometime in October I think.

Q About how long after that was it before you saw this man William H. Robinson? A Maybe I am mistaken, I went back after Aunt Nancy when she died up there at Timbered Hill and I found William and his folks up there then; it was getting kinder late in the year; near the old Schrimsher place.

Q And when was it you think? A Sometime in the winter or fall of '66, I mean the last part of '66.

Q Was it before or after Christmas? A Before.

Q Before Christmas of '66? A Yes sir.

Q Do you know where he has been living since that? A Yes sir.

Q Where? A Next time I saw him he was clearing a place after that about three miles from there, and then along in the summer of '68 we and him and his brothers worked together up here on Snow Creek. I have been knowing him ever since; we worked there awhile, and he went back over here where he started a place over here on Cabin Creek, and I have been knowing him around in the Nation, I don't know how many places he did live, I have been him up here where he is living now.

Q How long has he been living where he is living now? A I don't

Q How long has he been living where he is living now? A I don't know exactly. I have known him out on Cane/ awhile, living out there, and right around in the Nation here all the while, we worked together in '87.

By Gen'l Needles:

Q When you talked about the neutral land, that was a claim considered part of the Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q That is the first time you have ever testified for Robinson?

A Yes sir.

Q You was around with the Kern-Clifton Commission in 1896?

A Yes sir.

Q Mr. Robinson was there? A Yes sir.

Q You know he applied? A Yes sir.

Q They didn't use you then, they used W. Y. Foreman? A Yes sir, he had other witnesses.

Q You knew the same facts then you know now? A Yes sir.

Q And never did tell them? A Nobody never did ask me to tell them.

Q How did it happen you was on Big Creek in the latter part of '86, and saw this fellow? A Went back to get my aunt.

Q Was there a road from Big Creek down towards Neesho River at that time? A No sir.

Q How did you happen to straggle on him? A It was right on my road, right across the prairie.

Q You never lived in that neighborhood towards Big Creek where Sam Webber lived? A No sir, I lived on middle prong of Lightning Creek.

Q How far from Hayden's postoffice? A Three or four miles.

Q And you were going up to Hewt Schrimsher's place to get your aunt?

A Yes sir.

Q Was Robinson grown then? A He looked big as he is now, he was a good big fellow; when we went to Kansas together he was nearly grown.

Q Just at the breaking out of the war? A Yes sir, he was a young man, the other boys wasn't as large as he was.

Q You didn't know anything of them when the war broke out? A When we started to Kansas we got with the command taking refugee negroes out here, first time I saw William was up in the Neutral land, and we went together from there to Ft. Scott.

Q There was a whole lot of other colored people along? A Yes sir.

Q You remember him because he was nearly grown? A I remember him and his family because they was people I never forget.

Q What makes you think it was before Christmas in '86 that you saw them up there on Big Creek? A Because I am satisfied it was.

Q You have nothing on which to base your satisfaction? A I know I went after aunt Nancy and she was dead, and the result was I found them.

Q You know that was in the winter of '86? A Yes sir.

Q You know what time the applicant came back to the Cherokee Nation?

A No sir, I know I went with him, and that's what time I saw him ever there.

Applicant, WILLIAM HENRY FOREMAN, re-called and further examined, by Gen'l Needles:

Q Where were you born? A In the Cherokee Nation.

Q Your father and mother dead? A Yes sir.

By Mr. Davenport:

Q Your parents, were they alive then? A Not that I know of.

Q You didn't reside in Arkansas in '81? A No sir, I didn't know it.

FILMORE HICKS, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

- Q State your name? A Filmore Hicks.
 Q Where do you live? A In Vinita now.
 Q How old are you? A 35.
 Q You know William H. Robinson, this applicant? A Yes sir.
 Q How long have you known him? A Ever since the winter of '67.
 Q You didn't know him before the war? A No sir.
 Q Did you know his father before the war? A No sir.
 Q Nor his mother? A No sir.
 Q You don't know where they lived before the war? A No, I don't know.

By Com'r Needles:

- Q Are you a Cherokee citizen by blood? A Yes sir.
 Q You don't know whether this applicant was a slave before the war or not? A No sir.
 Q First time you saw him was in January, '67? A Yes sir.
 Q Where? A On Cabin Creek.
 Q Cherokee Nation? A Yes sir.

By Mr. Davenport:

- Q What was he doing then Cap, when you saw him? A They were camped on the creek there when I saw them.
 Q You don't know where they had been during the war? A No sir.
 Q Had they just come from Kansas or some other place, or just seemed to be camping there? A They seemed to have been there somewhere-
 Q About a year? A No, not that long.
 Q What makes you think it was January, '67? A I can tell you: Bill Foreman, I had been hired to Bill Foreman, he moved to Big Creek and from Big Creek back to Cabin Creek; I had been working for him about three months I guess, right along, and I went home about the first of December, he owed me twenty-five dollars, he told me to come back after Christmas about the first of January, he didn't have any money, and I stayed there about four or five days waiting for him.
 Q Where was Bill Foreman living then? A On the John Foreman place.
 Q How far from the Lee Schrimsher place? A About two or three miles; while I was waiting there for Foreman and hunting around I run across this family: hunted on the creeks there and around through the country, nothing to do but hunt around.
 Q How far were they from the Lee Schrimsher or Foreman place when you run across them? A About a mile and a half.
 Q Did you work for Bill Foreman around the Foreman place in '66?
 A Yes sir.
 Q Did you see them there during that year of '66? A No sir.
 Q Were you following cattle around even the creeks? A Well, I was driving cattle for Foreman, and driving teams.
 Q You had been on the creeks around where you saw them in '67?
 A Not much, Foreman never left Big Creek until about December and he came to Cabin Creek, and about the first of December I went home, and about the first of January I came to get my money.
 Q Were you with Foreman from May to December, '66? A No never lived there up until then.
 Q Were you around the Schrimsher place from May up to '66? A I passed there twice.
 Q How far did you work from the Schrimsher place during '66?
 A About three or four miles down the creek.
 Q Did you see this applicant or his family about the Schrimsher place at any time during the year of '66? A No.
 Q How often did you say you passed the Schrimsher place? A I passed there twice. We came there as we moved over and when we came back we come back that way.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, by Com'r Needles:

Q You present a marriage certificate certifying that you married your wife, Millie, did you ever have a license? A No sir, there is the first license I got.

Q Never had any license? A No sir, that's the first time we was married, we married only according to customs.

Q Was you ever married but once? A Yes sir, I married twice, but to the same woman.

Q What did you marry twice for? A She come in as a claimant, they failed to respect her such some years ago, and consequently we was advised to marry according to Cherokee laws.

Q When you marry according to Cherokee Law don't you have to procure a license? A That is all the license they claimed it was necessary for me to have.

By Mr. Smith:

Q Where did you marry your wife first? A In the Cherokee Nation.

Q How many years ago has that been? A 28 years ago.

Q Have you been living together as man and wife ever since that?

A Yes sir.

Q Who were you married by? A Brother named Nathan Duffin, a preacher.

Q Is he living or dead? A Dead.

Q Is there anyone here who saw you married? A I guess so, Thomas Mayfield was present.

THOMAS MAYFIELD, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Thomas Mayfield.

Q Where do you live? A On Grand River.

Q In what nation? A Cherokee Nation.

Q Do you know this applicant, William H. Robinson? A Yes sir, I know him.

Q You know his wife? A Yes sir.

Q Were you present when they were married? A Yes sir.

Q Who married them? A Nathan Duffin.

Q About how long ago has that been as well as you can remember?

A Right near fifteen or twenty years ago.

Q Might have been near that? A Might have been.

Q You don't know how long it has been? A No sir, I don't know exactly.

Q Was Duffin a preacher? A Yes sir.

Q Where were they married? A Married in my church house there on Grand river, Island Ford.

Davenport, Cherokee Rep'vo, waives examination.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, by Com'r Needles:

Q When were you married the first time? A Married last day of August, '72, I believe.

Q You know the reason your name is not on the roll of 1880?

A No sir.

Q Did you ever apply to have it put down? A I applied and I supposed they put it on, but it failed to show up.

Q You applied did you? A Yes sir.

Mr. Smith offers a marriage license, and hands it to Mr. Davenport, for examination.

Mr. Davenport: The Representatives of the Cherokee Nation object to the introduction of the certificate of marriage offered, for the reason that at the time it was en-

cuted there was no law in force in the Cherokee Nation authorizing the issuing of marriage certificates according to Cherokee law by which anyone marrying a recognized citizen could acquire property rights in the Cherokee Nation, the law having been repealed on December 16th, 1866, and for the further reason that there was no law authorizing a clerk to issue a certificate of marriage according to the laws of the Cherokee Nation to any parties other than recognized citizens of the Cherokee Nation, and if the clerk violated his duty it would give no force to the applicant in establishing his right as to having been a free colored person at the breaking out of the war and residing in the Cherokee Nation, having returned in accordance with the Treaty.

Applicant examined by Gen. H. Needles:

- Q You apply for your wife as an intermarried citizen? A Yes sir, by Mr. Smith.
- Q Did your wife apply for enrollment? A Her mother has a claim on file here, so I understand.

Gen. H. Needles: William H. Robinson applies for the enrollment of himself and wife and seven children: to-wit: James A., Jennette, Charles S., Ellis, Amanda J., John D., and William D. Robinson; he avers that he is a free colored person, never a slave, and was a resident of the Cherokee Nation before the adoption of the Treaty of 1866; he went out of the Cherokee Nation during the war between the North and the South and returned in the year 1866; he avers that he was married to one Millie Hill, a non-citizen; he however avers that his wife is an applicant or has a claim for citizenship; he presents no proof whatever as to the citizenship of his wife, and her name cannot be found upon any of the rolls of the Cherokee Nation now in the possession of this Commission; he makes verbal proof of his marriage to his wife, Millie, more particularly shown in the testimony; he also files certificate signed by Joe M. Leahy, Clerk of Coconawcoossee District, certifying that he was married in accordance with the laws of the Cherokee Nation on the 10th day of March, 1897, to one Millie Robinson, nee Hill, a citizen of the United States, said certificate being recorded on page 192, book K, of marriage record of Coconawcoossee District; upon examination of the rolls of the Cherokee Nation his name cannot be found upon the authenticated roll of 1890, but he is duly identified upon the Kern-Olifton and the Wallace rolls, and his children are duly identified upon said roll, with the exception of the youngest child, William D., three years of age, which makes it necessary for him to file satisfactory proof of marriage of said child; consequently, said William H. Robinson and his children as enumerated herein, will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife, Millie, will be duly listed for enrollment as Cherokee Freedman by intermarriage or by her inherent rights, as the testimony may develop; he will be duly notified by mail of the action of the Commission on his application when arrived at.

APPLICANT re-called, supplemental examination

Mr. Smith:

- Q Did you ever have any law case, law case tried in the Cherokee courts? A No sir.

By Gen'l Needles:

Q How many votes in the Cherokee Nation? A Yes sir.

Mr. Davenport:

Q Who did you vote for? A I don't know how many.

Q Joe Lebat? A No, I don't know as I voted for Joe Lebat to get him to sign anything for me.

Q Who did you vote for? A I voted for the treaty, and I voted for Mr. Burlington and I voted for you when you was running.

Q Are you sure of that now? A I know it.

By Gen'l Needles:

Q Was Davenport's majority over one? A I don't know that.

Q If it wasn't over one we could throw him out, because yours was illegal, eh? A (No reply)

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this June 20, 1901.

Signed, T. B. Needles,
Commissioner.

Supplemental testimony.

P.D-674.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 27th, 1901.

Supplemental testimony in the matter of the enrollment of William H. Robinson as a Cherokee Freedman; introduced on the part of the applicant:

WILLIAM FOREMAN, being duly sworn by Commissioner T. B. Needles, testified as follows:

Appearances:

Messrs. Mallette & Smith, for Applicant.

Messrs. Hastings and Davenport, for Cherokee Nation.

By Mr. Smith:

Q State your name? A William Foreman.

Q Where do you live, Mr. Foreman? A Near Waggoner.

Q How long have you lived in the Cherokee Nation? A 64 years a little over.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Citizen by blood? A Yes, sir.

Q Do you know this applicant, William H. Robinson? A Yes, sir.

Q How long have you known him? A First knew him in '62.

Q Where? A Lees County on Cabin Creek.

Q Is the Cherokee Nation? A Yes, sir.

Q Who was he with at that time? A With his father and mother, they were living there working there.

Q What was his father's name? A Langford I think.

Q What were they, Mr. Foreman, slaves or free colored persons?

Q My understanding is that they were free.

Q Where did you first see that family back in the Cherokee Nation after the war? A First saw this boy and his mother near Lees County in May, '68, but his father and mother I never saw since the war.

Q Well, how old was William when you saw him in '66, after the war here? A He was a young man probably 18, 17 or 18, somewhere along there, a young man.

Q Did you know the wife of Lumford, did you know his mother?

A Yes, sir, I saw her at Fort Scott in '68.

Q What was her name? A I could not tell you.

Q Where did you say you saw her in '68? A I left them at Fort Scott in '65.

Q Now, were you acquainted with his mother before he war?

A No, sir, only at Lees Country in '62.

Q Where was she? A Working there.

Q And they were free colored persons you say? A Yes, sir, they claimed to be from Arkansas.

Q Well, you were acquainted with this country? A Yes, sir.

Q You know whether they belonged to anybody? A They didn't belong to anybody in this country that I knew of.

By Mr. Hastings:

Q When did you say you knew the applicant first? A I first saw him in '62 at Lee Schrimsher's.

Q Is that the first time you ever saw the applicant? A Yes sir.

Q You testified for him before the Kern-Clifton Commission? A Yes sir.

Q You testified that you saw him on Shoals Creek with Blye in '61?

A No, sir; some of that isn't correct.

Q How do you know this testimony isn't true? A I have seen it and know it is not true.

Q Where did you see a copy? A Some fellow had it there.

Q Fellow L. A. Bell? A I think so.

Q Where were you living in '61? A I was living on Poteau river about six or seven miles below Chetopa.

Q What time of the year was it you saw this fellow? A Along in the fall.

Q How long did you see him there? A I saw him there two different times, I was passing there and stayed all night at Lees country one time.

Q Do you know where this family came from? A No, sir, only what they claimed.

Q What did they claim? A Claimed to come from Arkansas.

Q You swore that they refugees from Arkansas in '64 then didn't you? A I don't know.

Q Did Lee Schrimsher live on the line? A No, sir, lived on Big Cabin Creek.

Q Well, didn't you swear before that you saw this Robinson in '61 or 2 on the neutral land? A I don't think I did.

Q Well, do you deny that now? A Yes, sir, I do.

Q You admit though that you testified for them before the Kern-Clifton Commission? A Yes, sir.

Q Now how many did you see in '66 of this family?

A I could not tell, the old man and his wife and a lot of children, this boy and another he claimed to be his family.

Q I thought you said just now you never saw his father?

A I saw him at Lee Schrimsher's in '62.

Q I mean in '66? A I never saw him in '66.

Q Now, who did you see in '68? A I saw this boy and his brother.

Q Was he older or younger? A Older.

Q And you only saw this boy about in '66? A He came there to Lee Schrimsher's in May, '66.

Q How long did he stay in there? A I don't know, he come in.

Q Was Lee Schrimsher there? A No, sir.

Q Who was along with you? A A fellow named Wolf, Dutchman.

Q Did he settle there with them? A He did that fall.

Q Where were you going? A I was going up to the Dave Martin place.

Q Who was living there at that time? A Nobody.

Q Did you have a place there at that time? A First bought a place from Tom Hudson and I afterwards sold it to Bill Martin.

Q Was there a place made in '68? A Made before '68.

Q Was any crop in then, '68? A No, sir.

Q Did you ~~have any family with you?~~ any in? A No, sir, I moved out there and intended to stay and they stold my cattle.

Q Did you have any family with you? A No, sir, just some work hands.

Q Well, how long after that was it before you saw this Robinson family? A The next time I saw this one was when Wallace had the Wallace court.

Q You don't know what became of them between that and the Wallace Court? A No, sir.

Q Did you see any other members of the family in the meantime? A No, sir.

Q These two then were there alone? A Yes, sir, just the two, they claimed they was camped on Russell Creek; I don't know whether they was or not, I didn't see them.

Q How far was Lee Schrimsher's from Russell Creek? A About 25 miles.

Q Lee Schrimsher lived on Cabin Creek? A Yes, sir.

Q About how far from Vinita? A About ten miles.

Q There was nobody there in this house at that time? A No sir.

Q What were they doing down there? A They come there to see if Lee Schrimsher had come back for they wanted to get work.

Q There were five of these brothers applied before the Kern-Clifton court? A I don't remember.

Q You charged them \$125 didn't you? A I think I did.

Q To testify in that case? A Yes, sir.

Q Are you charging them anything this time? A No, sir; they paid my fare up here from Waggoner.

Q You were at Chelsea when this man applied? A No, sir; I was there three days at Chelsea and I understand he made application after I left there.

Q He was there while you were there? A Yes, sir.

Q And you saw him there? A Yes, sir.

By Mr. Smith:

Q Why did you charge him \$125 before the Kern-Clifton Commission? A I thought it was right that I should have pay for my trouble running around tearing to these courts, it cost me something to be here.

Q Where did you have to go to when you testified before the Kern court? A I went from Waggoner to Lightning Creek, where the court was held.

Q Was it at Lightning Creek he made his application? A Yes, sir.

By Mr. Hastings:

Q How far is it from where you lived to Lightning Creek? A I come around by this place, I suppose it is about 25 or 30 miles.

Applicant offers in evidence some permits issued by the authorities of the Cherokee Nation.

Counsel for Cherokee Nation objects to the introduction of said permits for the reason it is irrelevant, incompetent and immaterial.

Permits are permitted to be filed.

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

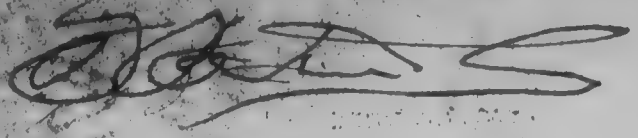
Signed, J. O. Reason.
Subscribed and sworn to before me this 15th day of July, 1901.

Signed, T. B. Needles, Commissioner

... says that in 1890, when he was a member of the
the Commission to the Five Civilized Tribes he copied the foregoing,
and that the same is a true and correct copy from the originals.

Charles E. Jones

Sworn to and subscribed before me this the 21st of August, 1902.



Commissioner.

27/7

RECEIVED
SEP 10 1902
U.S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

F D. 677

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
.....day of..... A. D. 190....

Given under my hand this.....
day of..... A. D. 190....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
.....day of **SEP 23 1901**, 190....

Milton L. Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the.....day of..... A. D. 190....

Subscribed and sworn to before me
this

Notary Public.

Proof of Service made
and original filed with t
DAVIS COMMISSION.

SEP 24 1901

NOTICE!

IN THE MATTER OF the application of Josie A. Slaughter
for enrollment as Cherokee citizens:

Case No. D 677

To Josie A. Slaughter or Hellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 31st 1901

Bill
N. W. Hastings
Attorneys for the Cherokee Nation.

R.
C.F.D.674.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1902.

Supplemental testimony on behalf of Cherokee Nation, in the matter of the application of William H. Robinson for the enrollment of himself, wife and children as Cherokee Freedmen.

Appearances:

Mr. Mellette, or Mellette & Smith, Vinita, I. T., attorneys for the applicants;

W. W. Hastings, attorney for the Cherokee Nation.

Elizabeth Davis, being first duly sworn, and being examined testified as follows:

By Mr. Hastings:

- Q What is your name? A Elizabeth Davis.
Q What is your age, Mrs. Davis? A 57.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long has Fort Scott Kansas been your post-office? A Since '63.
Q You formerly lived in this country? A Yes sir.
Q Do you know a colored man by the name of Mumford Robinson? A Yes sir.
Q When did you learn to know him? A In 1863. He was at Fort Scott, when I left.
Q Did you continue to live there during the war? A Yes sir.
Q And after the war? A Yes sir, I lived up there right along.
Q Do you know his wife? A Yes sir.
Q What is her name? A Anna.
Q Do you know any of his children? A Yes, I know his children.
Q You know any of their names? A Had one named Lizzie, and a boy named William and one Jim and Tobe and Wesley, and I don't know, he had a whole house full.
Q How long did you continue to know this family at Fort Scott, Kansas? A I knew him from '63 down to the winter of '69.
Q Did you know them continually? A Yes sir, they lived right there; I was about two blocks away from them.
Q Did you have occasion to see them frequently? A Yes sir, I saw them pass, they would have to pass my house to go to town.
Q You know where they went to from there or where they were gone? A I don't know where they went to.
Q You know whether they had a house there or not? A Yes sir, they owned their home there; they bought their house; I don't know whether they bought a lot and built the house or whether they bought the house, I couldn't say, it was just a frame building, that was there when I left; I know they owned that and sold it.
Q You positive that they lived there until the fall or winter of '69? A Yes sir, I am positive; how that is, Mrs. Runyan- her father, Mr. Anthony died in July 1869, and they was there then, and in the fall the boys helped dig the potatoes and gather the crop; him and his son Walter Runyan both died the same month, and left the widow woman and the girls and she got these boys to gather the crop.
By Mr. Mellette:
Q Are you a white woman? A Yes sir.
Q You are of white blood? A Yes sir.
Q You are not of Cherokee blood? A No sir.
Q This W. H. Robinson you have been talking about? A W.H. Robinson is Mumford Robinson's son.
Q Where is Mumford Robinson? A I don't know.
Q Is he alive or dead? A I don't know.
Q When did you see him? A I haven't seen him since '69, or heard of him.

Q You don't know whether the applicants here are the persons you know in Fort Scott or not do you? A I know that Mumford didn't, I knew that; I don't know whether these are them or not.

Q You don't know whether the Mumford Robinson they talked about in the testimony is the Mumford Robinson you knew at Fort Scott, do you? A I don't know, no sir.

Q Were you ever married? A Yes sir.

Q Married now? A No sir, I am a widow woman.

Q Who was your husband? A S. S. Davis.

Q Ever married to any one else? A No sir.

Q Did you at one time live with a man named Alonso Manley? A No sir.

Q You swear you didn't? A I swear I didn't live with him in the world. Lived with Alonso Manley, what are you talking about?

Q I just asked you that question? A Well indeed I guess I didn't.

Q Did you know him? A Yes sir, I knew him.

Q Where did you know him? A I knew him from '63 until '70, along in '70's somewhere.

Q How long has it been since you saw Mumford Robinson? A '69.

Q How long has that been? A I don't know; I haven't counted it up.

Q Well try to count it up? A 32 years or 33.

Q Now can you remember back every person that you saw in '69, 32 years ago? A Well I could remember their names and remember seeing them.

Q Can you remember when you last saw everybody that you saw in '69? A Yes, I can remember when I last saw them for I last saw them when they was gathering those potatoes; that is the last time I saw those boys.

Q You remember you saw Mumford Robinson dig potatoes in '69? A I saw the two boys and their mother I told you.

Q Did they ever dig potatoes at any other time? A Not that I know of.

Q Why do you remember that was in '69? A These girls father died in '69 and it is there in the Bible.

Q Where is the Bible? A Mrs. Anthony's house; I know they dug potatoes at that time.

Q You didn't bring the Bible with you? A No sir.

Q Maybe that is like the Bible that was not made in '67? A Probably it is, but it is there and can be produced just the same.

Q You didn't bring it with you did you? A No sir.

Q When were you first asked about this matter? A I don't know; sometime in December I guess, or January.

Q Some time last January, is that the first time that you were asked about when you saw Mumford Robinson last? A Yes sir, that is the first time.

Q You never had this matter called to your attention until then? A No sir.

Q That was nearly 32 years after you had seen him there that you were asked about it? A Yes sir.

Q And then 32 years after that you remembered back about the boys digging potatoes 32 years before? A Yes sir, I remember the family well, because when I first went to Fort Scott there wasn't very many.

Q How much did you get for coming down here? A I haven't got anything yet.

By Mr. Hastings: I object to that; it is insulting to the witness.

Q Who first asked you about this matter? A I don't know, I suppose the judge of the Cherokee Nation.

Q Who is it, what is his name? A Mr. Keyes.

Q Did he tell you he was the Judge of the Cherokee Nation? A No, he didn't tell me so.

Q What makes you call him Judge of the Cherokee Nation? A I have learned it since.

By Mr. Hastings: That is not proper cross-examination of this witness.

A I am going to tell you I knew Judge Keyes before the war; he

was in the army with my brother.

Q He is the man that came to you and asked you about them?

A Yes sir.

Q 38 years and nobody had ever called your attention to this fact before that time had they? A No sir.

Q Then you remembered back there it was in '68 the boys dug potatoes for you? A They didn't dig for me at all, they dug for Mrs. Anthony.

Q How many cases have you been a witness here in? A -

By Mr. Hastings: I submit this is not proper cross-examination, and I object to it.

By Commission: The objection will be noted; answer the question.

A How many have I? Three besides this I believe.

Q Who were they?

By Mr. Hastings: I submit that that is not proper cross-examination; I object to it.

By Commission: Objection noted; answer the question.

By Mr. Mellette: I have got the right to ask questions touching the knowledge of this witness in the matter that brings her here.

A I think it was Mrs. Nancy Thompson, Mrs. Gales and the Alonzo Hanley case.

Q How old did you say you are? A 57.

Q Were you married in '69? A No sir.

Q How long after that did you marry? A I married in '70.

Q What time in '70? A In March, 1871.

Q What day of March? A 15th of March.

Q Have you ever been married any more since that time? A No sir. My husband has been dead now three years.

By Mr. Hastings: I desire to introduce a certified copy of this contract. (Hands paper to Mr. Mellette.)

By Mr. Mellette: I object to the introduction, because it does not show where Mumford Robinson lived at the time he made it, and it does not show that it is the Mumford Robinson that was mentioned in the testimony.

By Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the fact that it does say Mumford Robinson and Annie Robinson of the County of Bourbon, and State of Kansas.

By Commission: There is offered in evidence by the representative of the Cherokee Nation a Warranty Deed made by Mumford Robinson and Annie Robinson, his wife of the County of Bourbon, State of Kansas, on the 17th day of December 1869; same is filed herewith.

MINERVA RUNYAN, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Minerva Runyon.

Q What is your age? A 48, in my 48th year.

Q What is your post office address? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A Well I lived there since 1868.

Q Do you know a colored man up there by the name of Mumford Robinson? A I do sir.

Q Do you know his wife? A Yes sir.

Q What was her name? A Her name was Annie.

Q Did you know any of their family? A I do.

Q Name as many of them as you can remember now? A William, James, Alonzo, Patette, Tobe and Wesley, that was the boys in the family, and there was Elizabeth Jane and Mary and Martha and Melvina, them was the girls.

Q Who did Melvina marry? A I don't know.

Q Did you ever know one of them married Mr. Hill? A Yes sir.

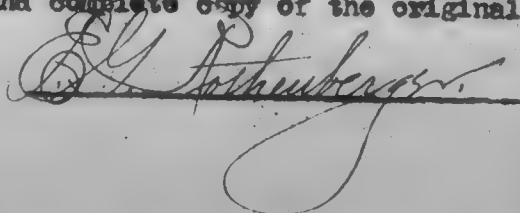
- Q What was her name? A Mary Ann.
- Q When did you first learn to know this family? A In '62 when I came there they was there.
- Q Neighbors from '62 until '69 continuously? A Continuously, they might have been there a little longer than that, but that much any way.
- Q How do you fix the date, Mrs. Runyon, that you knew them? A Well I fix the date by father's death.
- Q When did your father die? A Father died July 13th, 1866.
- Q Do you know they were living there then? A They were living there then; he raised a little crop and these boys helped us children gather our potatoes, as much as I can remember it was Frank and Tobe.
- Q How far did the family live from you? A They lived just the next, there was one lot, a fifty foot lot between us.
- Q Was that vacant or did it have a house on it? A I think there was a house partly on it; there was quite a space between their lot and our lot.
- Q You are a citizen of the State of Kansas? A Yes sir.
- Q Don't claim citizenship down here? A No sir.
- Q You came down here by a subpoena as a witness? A I did.
- Q You knew the family well I suppose? A I knew the family well.
- BY MR. MELLETT:
- Q You are a white woman? A I am a white woman.
- Q Did you say your age was 40? A My age is 48, in my 48th year.
- Q Have you ever seen any of the Robinson family you are talking about since the time you saw them in Fort Scott? A I saw Mary Ann on the street in Fort Scott, Kansas.
- Q They are colored people? A Yes sir.
- Q How is it you remember the names of the children 32 years? A Because I played with them. We was children together and I played with them, I remember them distinctly.
- Q Have you read the testimony given in this case since you came here, has it been read to you? A The testimony?
- Q Yes, that they gave, giving the names of the children? A No sir.
- Q Have you had the names called to your attention since you came here the names of these children? A I don't think I have.
- Q You could remember the names of those children 32 years? A Indeed I could, every one of them.
- Q You have remembered them that long? A I have remembered them that long.
- Q How old were you when your father died? A I was a girl of about 15 years, 14 or 15 years.
- Q And you remember the names of children 32 years you haven't seen since that time? A I do.

BY COMMISSION: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-677, D-686, D-687, D-689, D-637, D-659, D-642 and D-1018.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M. D. Green.

I, the undersigned, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.



To be filed with F-D-667, Josie A. Slaughter.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, I. T. May 27, 1902.

In the matter of the application of William H. Robinson for
enrollment as a citizen of the Cherokee Nation.

SUPPLEMENTAL TO D-674.

APPEARANCES:

Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony
introduced by the Cherokee Nation in the case of Freedman Doubtful
818, as well as in the case of Freedman Doubtful 800, be introduced
and made a part of the record in this case.

MR. SMITH: The applicant objects because the said testimony
now offered was not taken under any rule of this Commission with
reference to notice to the applicant or opportunity for cross-exam-
ination. The applicant further objects because the same is not the
best evidence, because it is hearsay, and because it is immaterial
and because it does not tend to prove any issue in this case, and
because it is incompetent in manner and form offered.

COMMISSIONER: This testimony will be filed with and made a part
of the record in the following Freedmen cases: Martha M. Hill, D-10
18, Eva E. Anderson D-889, Melvina Martin, D-887, Tobe Robinson D-
686, Josie A. Slaughter, D-677, in addition to the case at bar, being
that of William H. Robinson, D-674; also in the case of J. W. Robinson
D-695. The applicants in the above named cases are represented by
Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported in full the testimony and proceedings in the above case,
and that the foregoing is a true and complete transcript of his
stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of July, 1902.

(Signed) P. G. Reuter,

(SEAL)

Notary Public.

I the undersigned, being first duly sworn, as stenographer to
the Commission to the Five Civilized Tribes, do hereby swear that
I made the above and foregoing copy and that the same is a true and
complete copy of the original transcript.

James S. Patefile

Subscribed and sworn to before me this 6th day of August, 1902.

Brace Jones
Notary Public.

Supl. G. B. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Biskopage, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
GUYARD FRIGHT as a Cherokee Freedman, introduced on part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service of H. B. Lawren, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1903, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation present by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A C. V. Rogers.
- Q Age? A 63 years old.
- Q Place of residence? A Claremore.
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.
- Q How long have you been such? A All my life, a little over 63 years.
- Q Did you go out of the country during the war? A Yes, sir.
- Q When did you return? A '66.
- Q Where did you come to? A Come to Fort Gibson.
- Q And stayed there did you? A Yes, sir.
- Q Well what was your business? A After I come back?
- Q Yes? A I followed freighting for something over three years.
- Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
- Q Were you ever acquainted with a Freedman by the name of Moses Whitire? A Yes, I know him.
- Q Where did he belong before the war? A He belonged in Coaling Snake District.
- Q Do you know what particular Whitire he belonged?
- A I don't remember whether he belonged to George Whitire or Leo Whitire.
- Q If you did see him when did you first see Moses Whitire after the war, after your return to the Cherokee Nation?
- A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 25 wagons and I met them right on this side of the Neosho River; Dick Whitire, Moses Whitire and Aaron Whitire and old Major Wright is all I knew in the outfit.
- Q Did you have any conversation with them, stop and talk with them?
- A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
- Q Did you ask them where they was going to? A They said they was moving back.
- Q Well this 25 or more wagons was loaded with people?
- A Yes, mostly every one had household goods in them.
- Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
- Q Well how that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
- Q How far from the Neosho River? A I suppose half a mile.

Q How far is on the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack Molain's Ferry? A They called it Hudson Ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitnire you met and talked with is the same one you knew in Going Snake and belonged to the Whitnire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you know? A I think Aaron Whitnire and Moses Whitnire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this Man Whitnire lives now, Moses Whitnire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rossen.

Stenographer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washkogen, I. T., May 30, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Hon. J. Scoville, representing E. B. Gibson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, called satisfactory proof of service on the applicant's attorney that it would, on the 26th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant fails to answer by his attorney, E. B. Gibson, who is represented by Hon. J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Cherokee Commission on citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Book of the Cherokee Commission on Citizenship," as follows:

"No. 85 Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
Answer filed.)

Judgment against plaintiff June 27, 1873.

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 29. Major Wright
vs
Cherokee Nation.

(Ex. June 7th. Statement file
on the 26 of June.
1st July not. for trial.
301 for trial.)

Judgment against plaintiff June 27th, 1873.

The Cherokee Nation offers in evidence the applicant on made for citizenship in the Cherokee Nation by Lewis Whitner on the 26th day of June, 1873, as found on pages 154 and 155 book 5, entitled, "Citizenship Record 1874," as follows:

"Before the Commission sitting at Tahlequah to say claims to Cherokee citizenship.

The undersigned claims in the case of
Lewis Whitner

Cherokee Nation

respectfully presents the following statement of his claim according to the requirements of the Commission.

Plaintiff states under oath and affirmation that he is a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time and place above said owned by George Whitmore, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a place for his family (they then being without one) and again the following year prospecting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the interval of time when they would subsist without discomfort and exposure and until a removal of this was practicable which removal of claimant finally was ascertained to the point of the Nation settled by claimant for their and his time in the spring of 1867.

Claimant's rights have been called in question by competent authority, and as therefore presents itself to the important examination of this Commission he is authorized so to do by law.

This June 26, 1872.

Leola Whitmore,

By W. F. Boudinot, Atty.

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmore as follows:

"Before the Honorable Commission sitting at Taniguan to try rights to Cherokee citizenship.

In case of Moses Whitmore

vs.

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmore, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Leola Whitmore embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,

Moses Whitmore.

June 26, 1872.

By W. F. Boudinot, Atty.

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of commission Cherokee Court, Book A, page 236, case No. 20, as follows:

Case No.

Leola Whitmore

vs.
Cherokee Nation.

Taniguan

July 3, 1872.

File filed in evidence for claimant called and sworn.
I am, I think, an about 44 years old. I live in Illinois.
Boudinot, C. F. is a citizen of the Nation. I have been on the
tribunal roll but had my rights proven up before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 1866 or 1867. I left my family in Fort Scott when I came. I came down to get in a claim. I staid about three weeks that time and then returned to Fort Scott. After I returned to Fort Scott there were others who started down. The Whitmire were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the end of Jan. in January, 1867 and got to the crossing of the Neosho River about the last of January. When I first came down there was about 15 in the party. They left their families in June & when they came down here. There was some of party come with the Whitmire who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Hamlin Sanders, Buck Sanders.

The Whitmire party were Aaron, Lewis, Moses, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting hom. ss. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Herdies Delegation. They were sent and were here were authorized by others to look for claims for them, one was by Hekey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses. I did not put up a house. I started back to Kansas about the middle of September. Then I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on a plantation near Barry Mountain on this side of Arka. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I came here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires came down first to select and improve claims.

Wick x fields,

his mch.

Aaron Whitmire

Cherokee Nation,
called and sworn.

August 1, 1878.

Bluford Alberty, witness for claimant,

I reside in Coconococous District, C. I. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coconococous District.

on the 3rd of September, 1866. I had occasion more time in the last of Oct., or the first of Nov. or probably at right have been in late in the middle of November, to go to the Viridilla. While out there I fell in with a party of seven or eight persons who were camped with others near Big Pouches. I did not go to the camp. They were colored people. I knew some of them. Their names were old Sam Webber, Aaron Whitlire, and a younger brother and Lewis Whitlire. There was another person whose name I did not know. I do not recollect any of the others and can not identify them. The Whitlires were Johnson and George Whitlire, Aaron, Lewis and his brother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim Robinson had got home. I told him I had not heard the treaty, but had heard rumors about it. He said if they had come to pick themselves horses or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and was with a claim. He then asked what chance there was to get provisions over on the river. I told him there was none there, but that there was a lot of cornmeal flour at Gibson and if they would go there they would get some. He also represented that they had some claim to make claims for others who had remained in Kansas, to build their homes and so forth. They also stated that they were notified to go, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I came out at night. Did not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me at least Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I asked after this group of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitlire with this party, but am not certain of seeing Dennis or Nelson. I knew there was four of the Whitlire boys. They were born in the Nation and resided here up to the breaking out of the war.

A. W. Liberty.

Aaron Whitlire
vs
Cherokee Nation.

I know Hollins Battin. She was twelve or thirteen years old at the close of the war. She was living with her son and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. He crossed the river in coming down at Helena's Ferry in 1866. The chief Ferryman who crossed with him was Bill Martin. While on Lightning Creek in 1866 I saw Mr. Liberty but had no conversation with him, but Sam Webber had in my presence.

Now Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. William Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Rehber, Peter Heiga, Will Foreman, Tuck Sanders, Ransom Daniels, Sam Rehber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was a son of family in 1865 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Sam, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Mike Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, who had families all came as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation at Fort mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Albe Ratliff at breaking out of war. She first came in March 1867. Jack Lindrum was alone in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Liberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,

Clerk.

Mariah Whitmire,

Mark.

Page 53.

Aaron Whitmire & family)

vs

Cherokee Nation.

Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tablequah to try certain claims for citizenship in the Cherokee Nation and make this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims an aforsaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Gen. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in Ohio

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned, they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to his place in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return contingent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,

Aaron Whitnire,
By Atty Wm. P. Bouldin.

Aaron Whitnire

vs

Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coovescoocoo, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I met him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Mose, Lewis, Dennis and Nelson, Whitnire, Peter Helge, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kan., they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the river into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason way they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the delegation returned that I met claimant and the others spoken of. It was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas as I left them at Christmas or probably a few days before Christmas.

Cross examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who came before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time.

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be quite positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Be Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have seen them frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire

vs

Cherokee Nation.

July 4th 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest;

D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire

vs

Cherokee Nation.

Bluford Alberts.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies as thickly as it was convenient to do in an uncultivated part of the country.

This was thought best for the colored man as they could have their own schools so until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

About the 15th of May 1867 I first saw this party with their families at their new homes. Eliza and others of this colored party told witness that they returned in March 1867 to the Nation.

Re Direct
I learned from John Baker that most of this colored party returned to Kansas after their families and he remained. I was at general convention of the colored people in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1865. I think the object of the convention was to ratify amendments to the constitution under the treaty and to ratify the treaty. The treaty was concluded the 8th of Aug. 1866 by information. It might have been July 15, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned. J. B. Acott but was a delegate and was agent afterwards.

Attest
D. L. Nicholson,
Clerk.

Anson Phillips
vs.
Cherokee Nation.
Filed for trial 15, 1878.

This day comes John E. Lyons, Atty for Cherokee Nation and denies all and singular the allegations of plaintiff contained in the above named case.

John E. Lyons,
Atty for C. N.

Arthur S. Chandler, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur S. Chandler.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL)

(Signed) P. F. Penner.

Notary Public.

I, Arthur S. Chandler, a stenographer as herein stated to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur S. Chandler

Subscribed and sworn to before me this 15th day of May, 1902.

Prince E. Jones
Notary Public.

To be filed with C. F. D. 667, Josie A. Slaughter.

Department of the Interior,
Commission to the Five Civilized Tribes,
Shelton, I. T., June 18, 1901.

In the matter of the application of
Thomas Mayfield, for the enrollment
of himself and others as Cherokee
freemen.

Supplemental testimony.
Cherokee Freedman D-300

Appearance:
Melville S. Smith and F. P. Spence, for applicants;
W. C. Hastings, for Cherokee Nation.

The attorneys for the Cherokee Nation take proof of the proper
service of notice of the introduction of testimony in the above case
on this date.

Walter A. West, being first duly sworn by Commissioner Neelias,
testified as follows:

- Mr. Hastings: What is your name? A Walter A. West.
Q What is your age? A 60 years.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A 60 Years.
Q Were you out of the Nation during the war? A Yes, sir, I was
out during the war three or four years.
Q When did you come back to the Cherokee Nation after the war?
A I came back in the spring of '68.
Q Where did you live in the spring of '68? A I lived up on
Neosho River after I went up above.
Q How long did you live there? A I lived on Neosho, this side of
Neosho River, about two or three months, and then I moved down below.
Q Do you know Thomas Mayfield, the applicant here present?
A Yes, sir.
Q Did you know him before the war? A No, sir.
Q How long have you known him? A I got acquainted with him, I
saw him in '69 the first time I saw him.
Q Well where was he? A Well he was on the military road right
below where I was living.
Q From what point does that road run? A Runs from Fort Gibson,
at that time.
Q Whereabouts does it run north? A Fort Scott, Kansas, and Kansas
City and Baxter Springs.
Q Well, state the circumstances of seeing him on the military road?
A I lived there on the military road and he came past by horse and
camped there nearby, that is when I got acquainted with him, when
I saw him.
Q Did he have his family? A He had a family with him I supposed
to be his family.
Q Any others along with him? A Yes, sir, Jack Davis, Sandy Bean,
and Jack Dean.
Q Had you ever seen him before? A Who you mean, Mayfield?
Q Mayfield? A No, sir.
Q Where had you been living the two years immediately before that,
1867 and '68? A Right on the military road there.

Q How far did Mr. Mayfield live from you after you saw him in '69?
A About five miles.
Q Did he stay there? A Yes, sir, rented a place across the river and lived on the place he rented.
Q Did you know where he was from where you first saw him? A I just supposed he was from up there in Kansas.
Q Tell all the circumstances, what you know about seeing him?
A He came down the road from Kansas, that direction, and he camped there, there is where I got acquainted with him.
Q Was he married? A Yes, sir.
Q Have his folks with him? A His family, this woman as lived on Mayfield's wife.
Q That is the first time you saw him in the Cherokee Nation?
A Yes, sir, the first time I saw him.
Q Is there anything that makes you positive about fixing the date in 1869? A No more than this; I had been trading with some government wagons, that is the man that was driving the wagons, selling some hay, the day he come there, and I got my hay for that two or three days afterwards, on the 20th I believe, February, 1866.
Q You mean 1866? A 1869.
Q Did you preserve any letter or document which shows that date when you received the pay for the hay? A Yes, sir, I have a paper that shows the date exactly, but I didn't preserve it at that time, I filed it away with all the papers I have, and I didn't think of it in this other case heretofore.
Q And you have that with you? A Yes, sir.
Q And what date does it show? A It shows I received my money on the 20th, that is my check.
Q On what month? A February, 1869.
Q You were pretty well acquainted in the neighborhood in '69?
A Yes, sir.
Q Had you been the two years previous? A Yes, sir.
Q Did you know any of the colored people who were in the crowd with Thomas Mayfield? A I did Jack Dean, I knew him.
Q Had you know him before the war? A Yes, sir, I knew him before the war.
Q Did you have any talk with him at that time? A Yes, sir, his wife was a servant of my wife's father, and they learned that we were there on the road and they came there and visited us, is how come me to know what I do of these circumstances.
Mr. Smith: Mr. West, you hadn't been acquainted with Thomas Mayfield before the war? A No, sir.
Q The time you speak of is the first time you ever saw him?
A Yes, sir, the first time I saw him.
Q You don't know how long he had been in the Cherokee Nation when you saw him? A No, sir.
Q You don't know whether he had his family with him at that time or not? A No, sir, He had a family but I don't know whether they were his or not.
Q When did you say you came back to the Cherokee Nation after the war? A I left Red River February 1st, 1866.
Q Where did you go to? A I went on up to Fort Scott, right direct through the country, to where my mother lived on this side of Fort Scott, Drywood.
Q How long did you stay there? A Till about the first or middle of May.
Q In what year? A 1866.
Q Then where did you go? A I came down to Neosho, in the Cherokee Nation, and there set up my tent and went to trading and trafficking with the travelers along the road.

- Q How long did you continue in that business? A I continued off and on the season through.
- A How long was the season? A From the time I went there till fall.
- Q From May until the fall? A Yes, sir.
- Q And where did you go from there? A I went lower down on the military road where I was stationed, where I first saw Thomas Mayfield, and I built a house.
- Q You built your house then in the fall of 1868? A Part of it, not all of it.
- Q When did you build the rest of it? A In 1867.
- Q How long after the time you saw Thomas Mayfield was it before you were called upon to remember anything about having seen Thomas Mayfield on that occasion; how many years? A It was during this Kern-Clifton examination.
- Q Now you saw him, Thomas Mayfield, you say, in 1869? A Yes, sir.
- Q When was the Kern-Clifton Commission? A I am not positive, '65 or '66; not '65, '66 when it was I believe.
- Q In 1896 was it? A It seems to me, I am not positive.
- Q Then that was about 26 years past it, from the time you had seen Thomas Mayfield? A Yes, sir, from the time I first saw him, but I saw him off and on all the time after I got acquainted with him.
- Q You have stated you had no occasion to remember the fact that you saw him upon this particular date in '66 until the meeting of the Kern-Clifton Court? A Yes, that drew my attention to it.
- Q That was about 28 years afterwards? A Somewhere along there I guess.
- Q Mr. West, did you remember for 28 years without ever having had any occasion to have your attention called to it, that you saw him upon a certain day that you got a letter or pay for the hay, or whatever it was? A Now as far as that is concerned, it is like this: we all remember when the people was coming in, and it was common talking when they come in.
- Q Just answer that question? A That is the one particular time.
- Q So 28 years afterwards you were able to remember that you had seen Thomas Mayfield about the time you got a letter or receipt for some hay or something that you had sold, is that right? A Yes, sir, somewhere along there.
- Q Well now Mr. West, what connection was there between Thomas Mayfield and the hay, that you can go back 28 years and remember and fix that date that you saw Thomas Mayfield by the letter which you are now talking about? A I had the transaction as I told you with these government teams, selling them hay, and the very day that he came there, the same day, that is the reason why I know it was the same time.
- Q Did you have but one transaction with the government men? A I had them often, but not as much as that was.
- Q How many times have you had transactions with the government teams about hay? A Two or three different times.
- Q Or three or four or half a dozen? A No, not that many.
- Q More than three or four? A Not over three or four.
- Q How can you go back 28 years and tell which one of these transactions it was you had had, and connect that particular transaction or any one with Thomas Mayfield 28 years after? A Simply I got a paper to that effect on that date.
- Q Did that paper say anything about Thomas Mayfield? A No, sir, that transaction never, but because of my knowledge.
- Q You say it didn't say anything about Thomas Mayfield? A No, sir.

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Q You can go back 28 years and connect Thomas Mayfield with that particular transaction, how do you do that? A Simply I had that transaction at that time.

Q Were there not other transactions? A Yes, sir, but not so great as that was.

Q It couldn't have been some other transaction you had with the Government when you saw Thomas Mayfield? A It might have been some other, but it wasn't, that is all there is about that part of it.

Q Are you able to remember it was this particular transaction?

A Yes, sir.

Q Have you got that letter? A Yes, sir, it is just a receipt (hands Mr. Smith paper.)

Q (Returning paper) Mr. West, all that you claim about the paper about which you have spoken is that it carries that date by which you fix the time? A Yes, sir, it carries it, near about it.

Q Did you have that paper; were you a witness before the Kern-Clifton Commission? A Yes, sir, I was.

Q Did you have that paper then? A Yes, sir.

Q When did you hunt that paper up? A I hunted it up during the Court time.

Q Were you subpoenaed as a witness during that Court? A Yes, sir.

Q When did you hunt the paper up, before or after you were subpoenaed?

A I hunted it up after I was subpoenaed, I didn't have occasion to hunt it up before.

Q You testified, I believe you stated, before the Kern-Clifton Commission? A Yes, sir.

Q Mr. West, you don't know where this man was in '66 do you?

A Not till that date, not before that date.

Q I say you don't know then where he was in '66 or at any time prior to '66? A Only that day of '66 when he passed my house.

Q He passed your house in '66 did he? A In '69 I meant, that is the first time; in '66 I don't know where he was, or any time before '69.

J. L. Thompson, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. L. Thompson.

Q What is your age? A 69.

Q What is your post office? A Vinita.

Q Do you know the applicant, Thomas Mayfield, the colored man there?

A Yes, sir.

Q How long have you known him? A Well, I have to kinder study and tell you.

Q Did you know him before the war? A No, sir.

Q You have only known him since the war? A Yes, sir.

Q Where did you go during the war? A West to Texas.

Q When did you return to the Cherokee Nation after the war?

A I came to Fort Gibson in December, 1867, and Cabin Creek January, 1868.

Q Well, where did you first locate in this country, up near Vinita? A Right where I live now, but I didn't own the place then, I only rented it that season.

Q You have lived there ever since 1868? A No, sir, I moved away from there and moved back again.

Q You have lived in the same neighborhood ever since? A Yes, most always.

Q How far does Mr. Mayfield live from you, the applicant? A Where he lives now, just about five or six miles I reckon.

Q When did you first see Mr. Mayfield after the war? A Well, it must have been, to the best of my recollection, about '69 I reckon it was, I am pretty positive it was, to the best of my recollection.

Q Was he up there in that neighborhood when he first returned?

A No, sir, never heard of him.

Q Was there an investigation by the Supreme Court about five years after the war with reference to the return of colored people in the Cherokee Nation? A I don't remember.

Mr. Smith: I object to that as not being apparently the best evidence of the fact.

Q How far has Mayfield lived from you since you saw him in '69?

A He lives about as far now as he ever did.

Q Lives in the same neighborhood then? A Yes, sir, he lived right in the same neighborhood there, probably five or six miles from where he first settled.

Q You didn't know Mayfield before the war? A No, sir.

Mr. Smith: What time did you say it was, Mr. Thompson, when you came back to the Cherokee Nation after the war? A I said I came to Fort Gibson in December, 1867, I came to Cabin Creek in January, 1868.

Q In January, 1868? A Yes, sir.

Q You didn't know Thomas Mayfield before the war? A No, sir.

Q You don't know where he was in 1868? A No, sir.

Q You don't know whether he was in that neighborhood that you went to when you went up there or not? A If he was there I never heard of him, he might have been, so far as I know, but if he was I know I never heard of him.

Q He might have been there though? A He might have been, but I knew most of the darkies in the neighborhood.

Q You can't state he wasn't in that neighborhood when you went there?

A No, sir.

Mr. Hastings: You never saw him? A I never saw him.

Q You were well acquainted throughout the neighborhood? A Yes, sir, I lived there before the war.

Q You were acquainted with it before the war? A Yes, sir.

Q Was it thickly settled or thinly settled? A It was sparsely settled.

Q You knew people from a distance? A Yes, sir.

Mr. Smith: You didn't go around as soon as you got her and found out who was in that country? A No, sir, it wasn't my business.

Q And a man might have been here a year or two before you saw him?

A I don't believe he would have been in the neighborhood, I don't believe that long.

Q You don't know so, but you don't know he couldn't have been?

A Of course it wasn't my business to run around and hunt them up.

Q But you can't say whether Mayfield was there when you came there or not? A I can't positively say he wasn't there, but if he was I didn't see him.

R. L. Martin, being first duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. L. Martin.

Q What is your age? A 31.

Q What is your post office? A Penascola.

Q What was your father's name? A Joseph L. Martin.

Q Do you know the applicant there, Thomas Mayfield? A Yes, I think I do.

Q Did you go out of the Nation during the war? A Yes, sir.

Q When did you come back to the Nation after the war?

A November, '66.
Q Where did you go to? A Went to Texas.
Q Come back with your father? A Yes, sir.
Q Where did you first locate after the war? A We located at our old place, called Greenbrier, on Grand River.
Q Did you know Tom Mayfield before the war? A No.
Q Did you know him after the war? A Yes, I knew him after the war.
Q Do you know when Tom returned to the Cherokee Nation? A No.
Q When was the first time you ever saw him after the war? A The first time I ever saw him to know him was about '69.
Q How far did he locate from you? A About two miles and a half; well I wasn't living there in '68, that is there I live now.
Q How far were you from him when he located there in '69? A I don't know really, I was at my old place, I guess down about ten miles.
Q How far were you from where you located in '68? Were you at your old place then? A Yes, in November, '66, about ten miles.
Q You were at the same place in November, '66 and in November, '69 also? A Yes, I made that by some although I did not stay there all the time, I was about from one place to another.
Mr. Smith: You were unmarried at that time? A Yes, sir.
Q A young man living with your father, and made that your headquarters? A Yes, sir.
Q Where did you spend most of the time? A I was here and there and in Texas and back and forward and on the road a great deal.
Q There part of the time and Texas part of the time and here and there? A Yes, sir.
Q Then that place you speak of was about ten miles from where Mayfield went to live, was it? A Yes, that is where my father lived.
Q At that time you didn't have a home, stayed with your father?
A I didn't have any certain place only at father's.
Q About what age were you then? A About 18 or 19.
Q When was it you first saw Thomas Mayfield? A The first time I remember seeing him I think was about '68, he was running a ferry.
Q And you are not right certain about its being '69? A Well, yes I am pretty certain it was '68 the first time I saw him to know him; if I saw him before I didn't know him.
Q Might that not have been '68? A Well, I don't know as it was, I think it was '68.
Q But you are not positive about it? A No, I will not be positive, it has been so long ago.
Q Well you didn't go back to your father's place at all until in November, 1868? A That is as early as I came there.
Q How long did you then stay at your father's place after you came back before you went away anywhere? A We were there all winter.
Q Then did you go back to Texas? A No, the next summer I was there and Pryor Creek, and most of the spring and summer.
Q But your father's place was ten miles at least from where Mayfield lived when you became acquainted with him? A Yes, sir.
Q How long was it then before you had a place of your own and went to living there regularly? A In '72 I moved there in about two miles and a half of him.
Q You have been living in about two and a half miles of him ever since '72? A Yes, sir; that is, until he moved away, he moved away from the place he was living on then seven or eight years ago.
Q You saw him from time to time until the time you became acquainted with him when you would be in the Cherokee Nation? Yes, sir, after I got acquainted with him I saw him often.

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Q You of course don't pretend to say he hadn't been living up at a place ten miles away from your place when you became acquainted with him? A No, I don't know how long he was living here at all, only when I first saw him.

Lucien B. Bell, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Lucien B. Bell.

Q What is your age? A 53, about.

Q What is your post office? A Vinita.

Q Do you know the applicant Thomas Mayfield? A Yes, sir.

Q He is present here is he? A Yes, sir. that is him right behind Smith.

Q Are you citizen of the Cherokee Nation by blood? A Yes, sir.

Q You go out of the Cherokee Nation during the war? A Yes, sir.

Q What time did you return to the Cherokee Nation after the war?

A Well, I came back in the neighborhood of where I settled, right in a mile of where I located, in the latter part of 1867; I came into the Cherokee Nation along in May, 1867, stopped ten miles below there, or twelve, and made a little crop; I located right on Cabin Creek near the military road where it crosses it, on the south side.

Q How far was this from where Mayfield afterwards located, the applicant, Mayfield? A Well, I guess it was three, two or three miles, something like that, three and a half.

Q How long did you live at that place? A Well, if you count me living here now, I have been living here thirty odd years.

Q You own the place now? A I have sold some part of the claim off, but I have got my farm on the same claim.

Q You are familiar with that country? A Yes, I am pretty well acquainted with it, more so than that latterly; latterly I have been away from there a good deal.

Q You lived on that farm then at that time? A Yes, sir, I lived right on the same spot from 1867 to 1881, and then I moved about three quarters of a mile to another part of it.

Q When was the first time you ever saw Thomas Mayfield? A Well, I saw Tom Mayfield about two years after I returned, was the first time I saw him, about 1869.

Q Were you familiar with the place where he located, this section of the country and all? A Yes, I saw him on the other side of the Grand River sorter opposite the mouth of Cabin Creek; he lived there; I don't know whether he was living on his own place or not, probably it was the Bill Hicks place where I saw him first; that is all in the same neighborhood.

Mr. Smith: He was living there when you did see him? A Oh yes he was living there; he wasn't dead.

Q He hadn't just come there had he? A I can't say as to that, I know about when he first came, about when I first saw him; I know when the people around there said he came in.

Q I am asking you about your own personal knowledge? A I told you that is the first place I saw him, I don't recollect whether he said to me he had just come or whether he had been there, I don't recollect that we talked about that; I had known him some years before that.

Q You have already answered my question. A Well that is enough.

Q Are you the chief counsel of the Cherokee Nation in these Tracts?

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ings in the matter of the enrollment of the Freedmen before this Commission? A Yes, sir.

Mr. Hastings: Is there anything else you desire to state with reference to Hayfield's return? A No, I don't know that I know of anything further than what I have stated about him, of my personal knowledge.

Mr. Hastings: We desire to have that testimony thrown in the case of
Charles Hayfield, et al, Freedman D-202, and
Melinda Martin et al, Freedman D-206.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 22nd of June, 1901.

(Signed) T. B. Needles.

Commissioner.

F. D. 300.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 15, 1902.

In the matter of the application of Thomas Hayfield for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-300.

Cherokee Nation represented by W. W. Hastings.

COMMISSIONER: The Cherokee Nation, by its representative, makes satisfactory proof of service on the attorneys for the Applicant, Mellette & Smith, residing in Indian Territory, that it would, at the office of the Commissioner at Muskogee, Indian Territory, on the 15th day of May, 1902, introduce testimony tending to disprove the right of the said Thomas Hayfield to be enrolled as a Cherokee Freedman. The Applicant and his attorneys have this day, to wit the 15th day of May, 1902, been called and failed to respond either in person or by attorney.

GEORGE A. CAMPBELL, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A George A. Campbell.

Q. What is your age? A. 58 years old.
 Q. What is your occupation? A. Carver, Kansas, Anderson County.
 Q. How long have you been a resident of Carver, Kansas? A. I have been there 22, or some odd years, came there in '56.
 Q. Did you live there for the first few years after the war? A. Yes, sir, right after the war I was there always.
 Q. Did you live there in '58 and '59? A. Yes, sir.
 Q. Did you know a man named Mr. Thomas Mayfield? A. Yes, sir.
 Q. Did you know him first? A. Yes, sir.
 Q. What was his wife's name? A. Her name was Eliza, she used to wash for my mother.
 Q. When did you first learn of their being a well just right away after the war? I don't know whether it was '55 or '56, well '56 or '57 and they lived on our place, I think they had a lease for three years and I believe they took that lease in '56.
 Q. Well do you know where that well was? A. Yes, sir.
 Q. Where were they? A. They were down on my mother's place.
 Q. Well what did they have there? A. They left there in the winter or fall of '58 in a well.
 Q. Do you know what or who was down there in the year of '58? A. Yes, sir, I know right well.
 Q. How did they get down there? A. They got down in the same field.
 Q. In the same field? A. Yes, sir.
 Q. Did they claim to be Cherokee Indians? A. Well I believe they did.
 Q. Do you know where they said they had got when they left there? A. They said they were going to the Nation.
 Q. You say you lived in the same field with them? A. Same field with him, they had a lease on my father's place, and he bought their crop that fall after they had it.
 Q. What fall? A. Well, I married in '58 as the reason I know this, and they were married for a while, and my father was probate judge and he left everything to me, in '58 or I recollect all those things, and I don't see nothing about farming, never had none my farming for a while, and I would go over to his and ask what I should do the next day, and what I should have done and so on.

Arthur E. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reports in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur E. Croninger.

Subscribed and sworn to before me this 1st day of May, 1902.

(SEAL)

(Signed) J. C. Genter.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Thomas Mayfield for the
enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-200.

APPEARANCES:

Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a
decision of the Supreme Court of the Cherokee Nation taken from a
book labeled "Docket of Decisions Cases for Cherokee Citizenship
Tried in 1871," from Saline District, the following:

"No. 60. Thomas Mayfield.

Decided against defendant June 2, 1871."

MR. SMITH: Counsel for applicant objects to the introduction
of the matter offered for the reason that it is incompetent,
irrelevant and immaterial, and because the matter offered is not
proven to be a judgment rendered against anybody, and because it is
insufficient to prove any issue in this case, and because it does
not tend to prove any issue in this cause, and because the same is
not competent to be offered before this Commission in evidence in
the form sought to offer it, and because the Thomas Mayfield
mentioned therein is in no way shown to be identical with the
applicant in the above entitled application.

W. W. Hastings, being first duly sworn, testified as
follows:

My name is W. W. Hastings; I am one of the representatives of
the Cherokee Nation. This book was given me as coming from the
Executive Department of the Cherokee Nation, where the records of
the Supreme Court, as well as citizenship courts, are kept, and
this book is part of the records of the Executive Department of the
Cherokee Nation, and at the present time in my keeping as one of
the representatives of the Cherokee Nation.

Arthur G. Croninger, being first duly sworn, states that as
stenographer to the Commission to the Five Civilized Tribes he
reported in full the testimony and proceedings in the above case,
and that the foregoing is a true and complete transcript of his
stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 24th day of May, 1902.

(SEAL)

(Signed) P. E. Reuter.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Thomas Mayfield for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-200.

APPEARANCES:

Hollatis & Smith for applicant.
Cherokee Nation by W. T. Hastings.

J. M. JOHNSON, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. M. Johnson.

Q What is your postoffice? A Garnett, Kansas.

Q What is your age? A 56 years old.

Q What is your business? A My business is real-estate, loan and abstracting.

Q I believe you have already testified that you have lived at Garnett since '59? A Yes, sir.

Q Do you know a colored man up there by the name of Tom Mayfield?

A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q What was her name? A Mollie.

Q Did they have any children? A One son in t I remember.

Q What was his name? A Charley.

Q When did you learn to know Thomas Mayfield? A In '66.

Q In '66? A Yes, sir.

Q Where did he live then, I mean how far did he live from you, in the town or country? A He lived about no miles and a half from Garnett.

Q From Garnett? A Yes, sir.

Q What direction from town? A Southeast.

Q How long did he continue to live there, when did he leave there?

A He left there in '68 or after '68, he was there on the 25th day of December, 1868.

Q Do you remember it? A Yes, sir.

Q Did you ever work with him? A No, sir, I was out of his place different times.

Q You was at his place different times? A Yes, sir.

Q On whose place did he live, if you remember? He first lived on J. C. Gibean's place, an uncle of mine.

Q An uncle of yours? A Yes, sir, in '66.

Q Well it was after '68? A Yes, sir, when he liv d on my uncle's place was July, '66.

Q Where did he live after that? A Well he moved about half a mile southeast onto J. Y. Campbell's farm.

Q Did he make a crop there in '68? A Yes, sir.

Q And sometime after this crop was made before he came to the territory? A Yes, sir.

MR. SMITH: When was it you say he left there? A He left there in '68, after '68.

Q Well how long after '68? A I couldn't tell you just wht time he left in '68, he was there on the 25th day of December, '68.

Q December of '88? A Yes, sir.

Q Where was he on the 25th day of August, '88? A He was there on Judge Campbell's farm.

Q How do you know? A Knew those was where he lived until he left Kansas, left Anderson County.

Q Well the question was where was he on the 25th day of August, '88? A Well now, I couldn't say where he was.

Q Where was he you say the last time you saw him? A He was there on Judge Campbell's place.

Q When did he go on Judge Campbell's place? A I think he moved on Judge Campbell's place in '87.

Q What time in '87? A Spring of '87.

Q Where did he go from, where was he living before? A He moved from Gibson's farm, right adjoining Campbell's.

Q How long had he been there? A I don't know, only the year '86, he moved Gibson's place in '86, part of it.

Q That line of the year was it in '88 when you first saw him? A I think sometime in June.

Q Sometime in June? A Yes, sir, that was my first recollection.

Q Well that's been how long ago? A Which, '88?

Q Yes, sir. A Be about 24 years, wouldn't it?

Q From now? A Yes, sir, this is 1902, and '08 would be about twenty - let's see, 30, '86, would be more than that, be about 32 years ago.

MR. HASTINGS: How many years did you say now it was, after you have figured it up? A '86 would be 30, and four would be 34, and two would be 36 this year.

MR. SMITH: Well now after that lapse of time what is it that makes you remember that it was in June '88 that you first saw this man? A This uncle of mine died in '86, July of '86, that's what fixed it, he was living there on the place when he was taken sick.

Q Who was? A Mayfield, living on my uncle's farm.

Q Have you ever seen him since he went away from there? A No, sir.

Q Well you don't know whether that is the same man that is the applicant in this application or not? A No, sir, I would say that he was.

Q Well, Mr. Johnson, when did you first have your attention called to the fact that Thomas Mayfield left Kansas? A Last week when I was talking with parties about these other colored people I mentioned him.

Q Well now when was he first mentioned to you? A Which, about Thomas Mayfield? He were talking about the colore' people, and that is the way it come up, I spoke of Mayfield myself, and they were talking to the old ones that lived there.

Q Where? A At Ournett.

Q Why did you do that? A They were asking me what colored families I knew.

Q Well did they ask you about Thomas Mayfield? A No, sir, I told them about Mayfield, they were asking me and the other parties and trying to fix the names, and I spoke of Mayfield myself, named him among the others.

Q Well he didn't go away from there at the same time according to your idea of it that McNair went away, did he? A No, sir, McNair was among the first that left.

Q Well who left at the time McNair left? A I think some of the Beams.

Q Which ones? A I think Sandy Bean left at the same time.
Q Who else? A I don't know but the other Beans, some of them Beans, I think that probably all of them.
Q Well what were their names, who were they? A There was Tobo, and Joe, there was five of them all together.
Q What was this man McHair's name? A Riley.
Q Riley McHair? A Yes, sir.
Q Well now, Mr. Johnson, when was the matter first mentioned to you could you remember of your independent recollection the date when Mayfield left there? A Yes, sir.
Q Just remembered that? A Remembered that from the circumstances which occurred, just related.
Q Well you had to look up the record about McHair? A Yes, sir, but I didn't about my uncle's death, and things of that kind, circumstances that occurred about that time, know the time that they lived at McHair's, and they left there, and the length of time they lived on there.
Q You remembered Mayfield better than you did McHair? A Yes, sir.
Q When was it you say your uncle died? A July, '66.
Q '66? A Yes, sir.
Q And you say Mayfield didn't leave until '69? A '69, sometime in the first of '69.
Q Let's see, '66, that was some time after your uncle died?
A About a year and a half.
Q Well he died in '66? A Yes, sir.
Q The next year would have been '67? A Yes, sir.
Q Next '68? A Yes, sir.
Q Been two and a half, wouldn't it? A Yes, sir, two and a half years.
Q Well there was nothing about that fact or month that you have stated that would have made you remember this ran two years and a half after your uncle died, was there? A No, sir that occurrence, that would be about all, being bound back to my uncle's death there, and knowing Mayfield and my uncle, the time that they lived on Campbell's farm.
Q Well how long did they live on Campbell's farm? A About two years and a half, two years.
Q Well he lived on Campbell's farm then all the time from the time of your uncle's death on until they left? A Yes, sir.
Q Well now 36 years afterwards you remember whether it was one year and a half, two years and a half, or three years and a half?
A Could from the facts that I told you about.
Q Well you stated a minute ago that it was a year and a half? A Two years and a half after figuring.
Q You had to figure it then? A No, I hadn't made no account of it, no.
Q Well now after a lapse of 36 years do you think that you can be positive that that man lived there two and a half years after you got acquainted with him there? A Yes, sir, by the events and circumstances that occurred, yes, sir.
Q Well now what event occurred? A Well circumstances that we were thrown together, and being back and forth from visiting.
Q What was the circumstance? A Hunting and fishing.
Q Well that long afterwards do you remember whether you had hunted and fished with a man a year or two? A Well, about seasons; '68 was a dry year with us, and about compelled to go to the creek for water, we could tell what people were living there, would remember it.

Q That's in the early part of '07? A That he left there, yes, sir.
 Q Well the place left there in the early part of '07? A None that
 I know of.
 Q Anybody leaves there in the early part of '07? A There was
 several parties left there in '07.
 Q 1911? A I think there were some of them left in '11.
 Q 1912? A I couldn't say about '12.
 Q Well you remember better the further back it goes? A Being
 associated with them, I would know better. If I had been associated
 with them after that probably it would have been increased in my
 mind. I might remember it just as well after as back there.

Arthur G. Fleming, a stenographer to the Commission to the
 Five Civilized Tribes, on oath, states that he
 reported in full the testimony and proceedings in the above case,
 and that the foregoing is a true and complete transcript of his
 stenographic notes thereof.

(Signed) Arthur G. Fleming,

Subscribed and sworn to before me this 23rd day of May, 1908.

(SEAL)

(Signed) F. G. Rogers,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the
 Five Civilized Tribes, on oath, state that the above and foregoing
 is a true and complete copy of the original now on file with the
 Commission, as the same was dictated by me.

Arthur G. Evans

Subscribed and sworn to before me this 22nd day of May, 1908.

B. C. Jones
 Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Mariah Hayden case F.D. 498, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Jessie A. Slaughter, D 677;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show that
the applicant was a slave of the Cherokee Nation at the beginning
of the war, nor that he returned within the time specified in the
treaty of 1866, or that he had been a continuous resident of the
Cherokee Nation since that time, or that he is a descendant of such
a person. Second: Because the same is incompetent, irrelevant
and immaterial, and does not tend to prove an issue in this case.
Third: Because the Commission will take judicial knowledge of all
laws, treaties and decrees necessary for the determination of the
right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be en-
tertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothanberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

Cher Fr D 678

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Cher Fr D 678

File with Cherokee Freedman, 5-678, Sarah Chatman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I.T., June 7, 1901.

In the matter of the application of Sidney West for enrollment
as a Cherokee Freedman.

Appearances:

A. Sequoyah, agent for applicant;

W. W. Barnidge, of counsel for Cherokee Nation.

SIDNEY WEST, being duly sworn and examined by Commissioner
Needles, testified as follows:

Q What is your name? A Sidney West.

Q How old are you? A I really don't know.

Q About how old? A I am about, as near as I can come at it, about
56 I guess.

Q What is your postoffice? A Hayden.

Q What district do you live in? A Coconawpoo.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A Just my children.

Q How many children? A Six.

Q Have you got any children under age? A No, sir.

Q Your name on the roll of 1880? A I don't know, sir, whether
it is on there.

Q You don't know whether it is on any roll or not? A No, sir.

The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.

The 1880 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.

The Kern-Clifton roll examined and the applicant not identi-
fied thereon.

The Wallace roll examined and the applicant not identified
thereon.

Mr. Sequoyah: Mrs. West, can you give any reason why you are not
on any of the rolls? A Well, I followed the Kern around to Gibson
and to Vinita and I followed them to Anderson, and they didn't put
me on because I didn't have any witnesses just then.

Q What court do you mean by that? A Kern's.

Q The Kern-Clifton enrollment? A Yes, sir.

Q What was the reason you didn't have any witnesses with you?

A Well, I thought I would find witnesses there on the ground and
it seems like nobody didn't want to own me.

Q Who did you belong to? A John West.

Q Were you here in the Cherokee Nation during the war between the
Confederates and the Union rebellion, the last war? A During of
the war, no sir.

Q Were you here before the war? A Yes, sir.

Q Where did you go during the war? A Went down to the Choctaw
Nation.

Q Were you ever married? A Yes, sir.

Q Who was your husband? A Charles Chambers.

Q How long did Charles Chambers and yourself live together?

A We lived together till we raised a family.

Q Do you remember what year you came back to the Cherokee Nation
after the war? A In '65 they told me, the fall of '65.

Q Who came back with you? A Charles Chambers.

Q Anybody else? A No, sir, because we went out from Red
River here.

Q What part of the Cherokee Nation did you come to when you re-
turned? A Sequoyah.

Q Do you know the reason why you are not enrolled on the 1880 roll?

A Why I don't know nothing at all about it.

Q In fact, you had no one to look after you? A No, sir, I didn't have anyone to look after me.

Q Just alone? A Myself alone.

Commissioner: Were you a slave? A Yes, sir.

Q To whom did you belong? A John West.

Q Was he a Cherokee? A Yes, sir.

Q Where were you born? A On Grand River.

Q In the Cherokee Nation? A Yes, sir.

Q And you went out during the war? A Yes, sir.

Q Did you go any farther south than the Choctaw Nation? A No, sir.

Q Been living here in the Cherokee Nation with that exception all your life? A No, sir, I have been in and out through the Creek Nation and then back in the Cherokee Nation.

Q Did you ever apply to the Creek Nation for enrollment? A No, sir.

Q You never drew any money from the Cherokee Nation then at all?

A No, sir.

Q Never been recognized? A No, sir.

Mr. Hastings: Where did you live before the war? A On Canadian.

Q In Canadian district? A Yes, sir.

Q Is your old master alive? A No, sir, he is dead.

Q Your young master alive? A Yes, sir.

Q Tell John West? A Yes, sir.

Q You belonged to them when the war came up? A Yes, sir.

Q You went south during the war? A Yes, sir.

Q Now you stated a while ago that you followed that Kern-Clifton court around, and that you never could get a hearing, d'nd't you?

A Yes, sir.

Q You didn't get any hearing, did you? A No, sir, I never get any hearing from it.

Q I don't want you to misunderstand, you mean you never got to go before the court? A Yes, sir, I went before the court.

Q But you couldn't find any witnesses then? A No, sir.

Q Wasn't Charlie Chambers there? A He was there.

Q Wasn't Columbus Lasley there? A Yes, sir, he was there.

Q Couldn't you get them to swear for you then? A No, sir, I didn't, I didn't try, I must tell you the truth about it, for I was sick at the time.

Q Well, you followed them around from different places? A Yes, sir, I followed them around, me and my young mistress went to Vinita and they wouldn't hear her there at all.

Q What was her name? A At that time she was a Brewer, but she is Mrs. Ruthie Finley now.

Q Where does she live? A Oolagah.

Q Does she know when you came back? A Yes, sir.

Q Did you come back with her? A No, sir, I came ahead of her.

Q Where did you come in the Cherokee Nation? A Sequoyah district.

Q Now who came with you? A Charles Chambers.

Q Did anybody else besides Charlie Chambers come with you? A Not with us they didn't.

Q Well, you came to Sequoyah district, did you? A Yes, sir.

Q Well, who did you live with down there in Sequoyah? A I lived with Charlie Chambers until he came away, then he left me living in a place belonging to a widow woman named Mrs. Franklin, near Jack Campbell's.

Q Did you continue to live there? A Yes, sir, lived there three years.

Q Do you know John Melton? A Well, no sir, I don't know whether I did or not.

Q Who did you know down there in that settlement? A John Campbell.

Q He is dead, is he? A Yes, sir, he is dead.

Q Anybody that is living that was there then? A Well, old man

Jack Campbell, he is dead too.

Q How about Dr. Campbell, at Illinois Station? A I don't know nothing about him.

Q Anybody else down there that you can think of that is living now?

A Well Harrison Foreman was one.

Q Was he living down there then? A Yes, sir, he was right there then.

Q Where was he living? A Living with his grandmother about a mile from Mrs. Franklin's next to the river.

Q Do you know Mrs. Franklin's daughter, Eliza McGrady? A Well, I don't know, she might have been married and away from there, I don't know, I know one they called Malinda.

Q Did you live with Charlie Chambers as husband and wife? A Yes, sir.

Q How long did you live with him after you came up there, up to Sequoyah district? A We lived together there about a year.

Q About what time of the year was it you came there? A When we came to Sequoyah, it was in the winter.

Q That was the winter after the close of the war? A Yes, sir.

Q That was the next winter was it? A It was that coming winter.

Q The war closed in the spring and that was the next winter, coming winter? A Yes, sir, that following winter.

Q You came up there with him? A Yes, sir.

Q And you lived there with him about a year? A Yes, sir.

Q Did you live with him until the winter following that? A He left in the spring.

Q The following spring? A Yes, sir.

Q Did you see him any more? A Yes, sir.

Q When did you see him? A Well, I came to Gibson and we lived there together again when I came there.

Q Well, how long had he been gone before you went up there?

A He had been gone about a year.

Q And you went up there and lived with him, to Gibson? A Yes, sir.

Q It was about a year after he left you before you went to Gibson?

A Yes, sir.

Q Then that was about two years after the war when you went to Gibson? A Yes, sir, it was about three years.

Q Where did you go from Gibson? A I went to Tahlequah; went to Park Hill.

Q Did you live with Charles Chambers at Park Hill? A Yes, sir.

Q How long did you live with him there? A Well, I don't know, really, exactly how long it was that we lived together there, some year or two.

Q Then where did you go? A I went to Tahlequah.

Q How long did you stay there? A I stayed around about Tahlequah about a year or maybe longer.

Q Well, where did you go from Tahlequah? A I came to Pryor Creek.

Q How long did you live there? A I stayed to Pryor Creek about a year.

Q Well, then where did you go? A I went to Timber Hill.

Q Who did you live with at Timber Hill? A Lived with my sister.

Q What was her name? A Harriett Harmon.

Q Where did you go from Timber Hill? A Well, I hired myself to a man over in the Creek Nation.

Q About when was that? A I really can't tell you.

Q About how many years ago? A Well, I just can't tell you that, to be honest with you.

Q As much as 20; about how long after the war was it? A I don't know as I can tell you that.

Q Well, just try to give us some sort of an estimate of it, to the best of your judgment how long after the war was it you went over into

the Creek Nation? A I reckon about ten or twelve years, and maybe longer.

Q Have you married over there? A Yes, sir, I married over there.

Q What was your husband's name? A Holey Scott.

Q Is that your present husband? A Yes, sir, he is dead though.

Q Did you just keep the name of West, your maiden name? A Yes, sir, my name never was changed.

Q Where did he die? A He died in the Creek Nation.

Q Are you living there now? A No, sir.

Q When did you move back from there? A Been about five years.

Q You moved back when the Kern-Clifton Court was around here?

A Before that.

Q Just a little before that? A Yes, sir.

Q You lived over there all the time up to then? A No, sir, when I married I didn't live with him about two years before he died, and I came back to the nation.

Q Where did you live? A I went to Four Mile Branch.

Q Who did you live with there? A A cousin of mine, Isaac Wilson.

Q How long did you live with Isaac Wilson? A Well, a year or so to my best knowledge.

Q Haven't you got a whole lot of children? A Yes, sir.

Q What are their names? A James.

Q Well, name them? A Sabra.

Q How old is Sabra? A Well she was born the spring season was declared.

Q Did you bring her back from the south with you? A Yes, sir.

Q And you walked? A Yes, sir, and carried two children.

Q Her and what other one? A That one is dead.

Q What was her name? A Her name was Hattie.

Q What are your other children's named who are alive?

A William Chambers.

Q Where was he born? A Born down in Sequoyah.

Q What is the next one? A Eliza.

Q Eliza Chambers? A Yes, sir, she lives down here to Claremore.

Q Where was she born? A She was born down to Sequoyah.

Q What is the next one? A Dick.

Q Where was Richard born? A Park Hill.

Q How old is Richard? A I really can't tell you his age.

Q What is the next one? A Sarah.

Q Her name Sarah Smith now? A No, sir, she is not a Smith now, she is a Charman.

Q Where was Sarah born? A She was born in the Creek Nation.

Q Whose child is she? A Henry Smith.

Q Were you ever married to anybody besides Scott? A No, sir, I never was married to anybody besides Scott over there.

Q Didn't you testify before the Kern-Clifton Commission that you lived west of Checotah, towards the sunset of Checotah, at that time? A Yes, sir, I did, I told you it was in the Cherokee Nation though.

Q You said it was towards the sunset from Checotah? A No, sir, I never did live in that direction.

Q You never said that? A No, sir, if I did I don't remember it, I meant to tell you I never did live in that direction.

Q Did you say you lived near Henry Schoonover? A Yes, sir.

Q How far did you live? A It was to his house, to my judgment, about as much as two or three miles.

Q How long did you live that far from him? A Well, I lived there during the time I was married there, for two years.

Q Henry Schoonover lives in the Cherokee Nation? A I know he does.

Q You said a while ago that you lived in the Creek Nation? A Well I did.

Q That is when he lived near you? A Yes, sir.

Q Now, how long have you lived in Canadiana district now? A I don't ~~live~~ live there.

Q Where do you live? A I live up here on Lightning Creek.

Q When did you move up here? A Over five years ago.

Q Where did you move from up here? A I moved from the Creek Nation.

Q Now, how long had you been living in the Creek Nation when you moved up here? A I hadn't been there more than a month or two, because I went from Fort Gibson over there.

Q How long had you been living at Gibson when you went over there?

A I was just going backwards and forwards.

Q Where did you have a house? Have one at Gibson? A Yes, sir, I had a house at Four Mile Branch, well at Park Hill.

Q When did you have one there? A When me and Charlie lived there.

Q After that? A I never had a house after that, I was just working out.

Q You never had a house after that? A No, sir.

Q That was about four years after the war? A Yes, sir.

Q You never had a house? A Yes, sir, just working around among the people, I would just go and leave the children at people's houses.

Q Where have these children been living? A Left them once with my sister.

Q What is her name? A Mintie Martin.

Q Where does she live? A On Pryor Creek.

Q How long did you leave them there? A Left them once about six months, and another time near about a year.

Q Now tell me how long you have been living in the Creek Nation?

A Well I haven't told you.

Commissioner: Tell it again, about how long? A To the best of my recollection, I haven't been living there continuously.

Mr. Hastings: All the time, combined? A I can't go to work and tell you that, it wasn't combined at all, because I was just backwards and forwards.

Q Did your husband have a home over there? A Yes, sir, he did.

Q What did you do with it after he died? A Well, his daughter took it and sold it to McKellop.

Mr. Sewichie: Which McKellop? A Albert.

Commissioner: You lived backwards and forwards in the Creek Nation and the Cherokee Nation? A Yes, sir.

Q Where did you could get work? A Yes, sir, wherever I could get work to support my children.

Mr. Hastings: Have you worked any in Kansas? A No, sir, I don't know where Kansas is.

Q Never worked there? A Never was in the state in my life.

Q Arkansas? A No, sir.

Q Texas? A No, sir, the nearest place I have ever been was Fort Smith and I was called there as a witness.

Q You had two children, Lucinda and Eva, born in the Creek Nation?

A No, sir, never had a child of that name in my life.

Q They are your grandchildren? A Might be.

Q I ask you if you knew them, Lucinda and Eva Colonel?

A That is right.

Q You know them now? A Yes, sir.

Q Where were they born? A They were born in the Creek Nation I reckon, because I don't know nothing about it.

Q Whose children are they? A They are my daughter's children, they are in the Creek Nation with their father.

CHARLIE CHAMBERS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charlie Chambers.

Q About how old are you? A 70 years old.

Q What is your postoffice? A Hudson.

Mr. Sequichie: Do you know Mrs. Sidney West here? A Yes, sir.

Q Did you and her ever live together as man and wife? A Yes, sir.

Q Who... were you married? A Well, we were not married, we took up together just like the darkies always just used to do; there wasn't anybody to marry us in that time.

Q When was that? A That was in the war time, just directly after the war first came up.

Q Where did you first become acquainted with her? A When I first got acquainted with her, that was away before the war, I got acquainted with her at Fort Gibson, but when we came together that was on Red River.

Q During the war? A In time of the war.

Q How long did you and her live together? A We lived together I guess about, as well as I can recall it, six or seven years.

Q Did you return back to the Cherokee Nation with her? A Yes, sir.

Q What year was that? A They told me it was in '65, they wasn't hardly stopped fighting yet, when we came along, they were killing all along the road.

Q Are you on the 1880 roll? A Yes, sir.

Mr. Sequichie: I would like to identify him on the 1880 roll.

Commissioner: He isn't an applicant; there is no use to identify him on the 1880 roll.

Mr. Hastings: Where did you know this woman down south? A Knew her right at John West's.

Q John West living down there? A Yes, sir, he was living there.

Q Charlie, you ever been up before the courts any? (No response)

Q Ever tried at Fort Smith; answer the question? A Well yes I told you that; you ask me that every day.

Q Convicted? A No, sir.

Q Was you ever tried in the Cherokee courts? A Yes, sir.

Q Ever tried by the United States Court at Vinita? A Yes, sir.

Q You were around when the Kern-Clifton Commission was making the roll five years ago, were you? A Yes, sir.

Q You never testified for this woman then? A No, sir.

Commissioner: Why didn't you testify for this woman then when they were making the Kern-Clifton roll? A I suppose she testified for herself down to Gibson, she wasn't with me then.

Q Did she ask you to testify for her? A No, sir.

Q Was this woman Sidney West a slave? A Yes, sir.

Q Who did she belong to? A She belonged to John West.

Q John West a Cherokee citizen? A Yes, sir.

Q Was she taken out of the country during the war? A Taken out at the commencement of the war.

Q Where to? A She was taken down there to Red River in the Choctaw Nation.

Q Do you know when she came back? A Yes, sir.

Q When? A Came back in '66.

Q You came with her? A Yes, sir.

Q How long did you live with her after that? A After I came back, why I lived with her a little while down there and I left her down there and I came on back up to Tahlequah, and she came there, and I don't know how long we did live together there.

Q For say you lived with her in the Choctaw Nation? A No, sir, lived there this side of Fort Smith in the Cherokee Nation.

Q You know where she has been living since that? A No I don't, when I left her all I know about her, I left her right there between Fort Gibson and Tahlequah.

Mr. Hastings: You know she has been living in the Creek Nation? A Yes, sir, I had heard she was living in the Creek Nation.

A She has married over there? A Yes, sir.

Q He lived over there until a few years before the Kew-Clifton Commission? A No, sir, she hadn't been living there ever since, of course her husband wouldn't allow her to come back, and as quick as he was died, she came back.

Q How much are you charging this woman for testifying for her, anything? A No, not charging her a cent.

Q You charge any of these people anything to testify for them?

A Some of them I do, of course they have got to pay me while I stay here.

Q What is the most you ever charged any of them to testify for them? A I don't know, I can't say, sometimes three or four dollars.

Q How long did you live with her down in the lower part of the Cherokee Nation? A Down this side of Fort Smith, I didn't stay there long, I don't know; I came there along the spring and stayed there along in the summer, and I came on up here.

Q Who did you leave with her? A Nobody but her children.

Q Living in a house? A Yes, sir.

Q On whose place? A It was on nobody's place, it was on an old waste place we had come on to.

Q Made a crop, didn't you? A No, sir.

Q What did you live on? A Just what I could work around and get.

Q Who did you work for around there? A I don't know the man's name, I worked a little in town, I worked a little around in town, I don't know who I worked for, I don't know the man's name.

Q Well, when did you see her next? A She came up to Tahlequah, she came herself.

Q You ran off and left her down there? A Yes, sir, I come off and left her down there.

COLUMBUS LASLEY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Columbus Lasley.

Q How old are you? A 35.

Q What is your postoffice? A Tahlequah.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Mr. Bequith: Mr. Lasley, do you know Mrs. Sidney West? A Yes, sir.

Q Was she a slave? A I can't tell you that.

Q Do you know what year she returned from the south, after the war?

A Not exactly I can't, I can tell you about what time I seen her.

Q When did you see her after the war? A In the beginning of the war I lived at Fort Gibson, and in '67 we lived out to Four Mile Branch, what is called Four Mile Branch east of Fort Gibson; shortly after that time is when I saw her.

Mr. Hastings: You know where she has lived since that time? A I know several different places; she lived at what is called Park Hill since that time.

Q Where else? A Well, I said I don't know, I don't know all them, she told me she lived over here on Canadish or some place, in the Creek Nation somewhere.

Q You never saw her there? A No, sir.

Commissioner: What time is '67 did you see this woman? A It was in '68 we went out on the Four Mile Branch, it was after that I got acquainted with her.

Q What time of the year, do you recollect? A No, sir, my recollection, it was the spring or summer.

Q Or fall? A I think it was in the summer.

Q You think it was after the first of January? A No, sir, it was in '87 when we went out there, and after that I saw this woman.

Q What time in '87 did you go out there? A We went out there in the summer.

Mr. Sequichie: I wish to explain for her that she is very humble in her circumstances, and we have witnesses in Muskogee we wish to introduce, who live there, Mrs. Finley and Mr. West.

Commissioner: Sidney West applies for the enrollment of herself. Her name is not found upon any of the rolls of the Cherokee Nation. As to her residence and citizenship, reference is made to the testimony. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting the further consideration of the Commission. She will be notified by mail of the decision of the Commission when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of August, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ocheloa, I.T., June 11, 1901.

In the matter of the application of Sarah Chatman for the enrollment of herself and five children.

Appearances:

J. R. Sequichie, agent for applicant;

W. W. Hastings, of counsel for the Cherokee Nation.

Sarah Chatman, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Sarah Chatman.

Q How old are you? A 24.

Q What is your post office? A Hayden.

Q In what district do you live? A Ooweescoowee.

Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Do you want to enroll anybody besides yourself? A Me and five children.

Q Have you a husband? A Yes, sir.

Q Is your husband a state man? A Yes, sir.

Q Did he get out a Cherokee license when he married you? A Well, I don't know whether he did or not.

Q Or just married by a preacher? A Married by a licensed I don't know whether he had a Cherokee license or whether it was a Creek license, I was in Muskogee at the time.

Q When did he marry you? A I don't know exactly the time.

Q When did you and he marry? A About seven years ago.

Q You got your license in Muskogee? A Yes, sir.

Q You got a United States license I expect? A I expect it was, I don't know.

Q You made no application for your husband? A No, sir.

Q How long have you lived in the Cherokee Nation? A Lived there all my life, off and on.

Q Were you born in the Cherokee Nation? A Yes, sir.

Q Give me the name of your father? A Henry Smith.

Q Is he alive? A Well, I really can't tell you whether he is or not, he was the last time I heard from him.

Q You haven't heard from him for some time? A No, sir, it has been quite a while since I heard from him.

Q Was he a Cherokee Freedman? A I don't know.

Q Give me the name of your mother? A Sidney West.

Q Is she alive? A Yes, sir.

Q Is her name West now? A She goes by the name of her owners, West.

Q Is she a Cherokee Freedman? A Yes, sir.

Q Have you a certificate of your marriage to your husband? A Yes, sir.

Q Give me the name of your husband? A Will Chatman.

Q Will M. Chatman? A Yes, sir.

Commissioner: The applicant presents a certificate showing that W. M. Chatman and Miss Sarah Smith were united in marriage on the 30th of August, 1895, by the Rev. Manuel Monday. This is filed herewith.

Q You were married in Muskogee? A Yes, sir.

Q Both of you were in Muskogee at that time? A Yes, sir.

Q Were you ever married except to this husband? A Yes, sir.

Q How many times have you been married? A I have been married twice, with this man.

Q Once before this? A Yes, sir.

Q What was the name of your first husband? A Bob Jamison.

Q Was he a Cherokee Freedman? A A Creek.

Q Is he dead or alive? A I don't know sir, whether he is dead or not, I think he is living though.

Sarah Chatman - 2.

Q When did you and he marry? A It has been quite a while, I can't tell you.

Q Are any of these children his children? A No, sir.

Q Give me the names of your children? A Evaline Chatman.

Q How old is Evaline? A She is 10 years old.

Q Well, will Chatman be the father of that child? A She goes by the name of Jimison.

Q What is the child's name? A Evaline Jimison.

Q What did you tell me it was Chatman for? A I thought it was on that paper that way.

Q I asked you what is the child's name? A Jimison is the child's name.

Q Now give me the name of the next child? A Henry Caesar.

Q How old is Henry Caesar? A 7 years old.

Q Give me the name of the next child? A James Chatman.

Q How old is James Chatman? A He is 14.

Q Give me the name of the next child? A Julia Chatman.

Q How old is Julia? A 2 years old.

Q Now the next child? A Nannie Chatman.

Q How old is Nannie? A 10 months old.

Q Are these children all living now? A Yes, sir.

Q Have you got somebody here who knows about your having lived with this man Jimison and knows something about these children?

A Yes, sir.

Q Who is it? A My mother and brother.

Q What is her name? A Sidney West.

Sidney Scott, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Sidney Scott.

Q Aren't you enrolled as Sidney West? A Yes, sir.

Q What did you give in the wrong name for? A You told me what my name was at this time. ~~XXXXXXXXXXXXXXXXXXXX~~

Q And you say it is Scott? A Yes, sir, that is the married name.

Q Your husband Scott, what was he? A A Greek.

Q Did you leave him? A No, sir, he is dead.

Q Well then did you take up the name of West again? A Yes, sir, never did drop the name of West, nobody never did call me by my own married name.

Q You don't lay any claim to the name of Scott at all? A No, sir.

Q And you don't want to be enrolled as Scott? A No, sir.

Q How old are you? A Well, I don't know, but just from trying to tell it, I expect I must be something near 56 or 57.

Q You applied here two or three days ago for enrollment? A Yes, sir.

Q Is this woman here your daughter? A Yes, sir.

Q How many times has she been married? A She has been married twice.

Q What was the name of her first husband? A Bob Jimison.

Q Was he a Greek? A Yes, sir.

Q How many children has she got? A Five.

Q What is the name of the oldest child? A Evaline.

Q Evaline what? A Jimison.

Q What is the name of the next child? A Henry.

Q Henry what? A Henry Caesar.

Q And the next child? A Jim Chatman.

Q And then Julia and Nannie, are they Chatman children? A Yes, sir.

Q Did she and Bob Jimison part? A No, sir, they didn't, because I took her away from him, she wasn't but 13 years old.

Q Well now this child Henry Caesar, is that child this woman's own natural child? A Yes, sir.

Sarah Chatman - 3.

Q Born to her? A Yes, sir.
Q No adopted child, or anything of that kind? A No, sir, no adopted child at all.
Q Are these five children all living now? A All living, all right here.
Q Where was this woman born? A Timbered Hill.
Q In what Nation? A Cherokee Nation.
Q How long has she lived at Muskogee? A We lived there often and on I guess something over three years; I lived there continuously two years straight.
Q The last two years? A Yes, sir, after I married there.
Q Where has this woman lived down to the time she married Jimison? A She lived at Four Mile Branch with her cousin, Isaac Wilson.
Q What Nation is that? A Cherokee Nation.
Q Where did she marry Jimison? A At Port Gibson.
Q Where did she marry her present husband, Chatman? A Married him in the Creek Nation.
Q At Muskogee? A Yes, sir.
Q How long had she been living in Muskogee when she married Chatman? A I had been there near a year.
Q Where did she live down to the time she moved to Muskogee then? A She came from Four Mile Branch.
Q Had she lived all her life in the Cherokee Nation down to that time, to the year before she married Chatman? A Yes, sir.
Q Where did she live? A Often and on, from the Creek Nation back to the Cherokee Nation.
Q Only between those two Nations? A Yes, sir.
Q Has she ever been out to Kansas, or any place like that? A No, sir, don't know what Kansas is.
Q Did you ever apply to have this woman enrolled as a Creek?
A No, sir.
Q Have you applied to have her enrolled with any other tribe or nation except the Cherokees? A No, sir.

Sarah Chatman, recalled, testified:

Q Have you ever applied to have any of these children enrolled as Creeks? A No, sir.
Q Only with the Cherokee Nation? A Yes, sir.
Q Where was that child Evalina born? A She was born at Port Gibson.
Q Where was Henry born? A He was born at Muskogee.
Q Where was James born? A He was born in the Cherokee Nation.
Q And Julia? A In the Cherokee Nation.
Q And the baby, Mannie? A She was born in the Cherokee Nation.
Q Well you were making your home in Muskogee when these three youngest were born? A Yes, sir, I was making my home there just with me mother.
Q Well how did you happen to be in the Cherokee Nation when these three children were born? A Why I have had them since I have been continually at home in the Cherokee Nation.
Q You are not living in the Cherokee Nation now? A Yes, sir.
Q You are? A Yes, sir.
Q Where are you keeping house, living now? A Down here on Lightning.
Q Mr. Hastings! When did you move? A It has been about five, I can't hardly tell you exactly how long it has been, but I moved here on Lightning pretty near five years ago.
Q Were you living here when the payment was made? A Yes, sir.
Q You heard your mother when she testified you were born at Timbered Hill; where is that in the Cherokee Nation? A I can't really tell you whereabouts it was, because I am not been there in so long I can't really tell you where it was at.

Sarah Chatman - 4.

Sidney West, being duly sworn and examined by Commissioner Brockinridge, testified as follows:

Mr. Hastings: Where is Timbered Hill at which your daughter was born? A In the Cherokee Nation right on the old California road.

Q Where was that, in what district? A In Cooweescoowee district, I guess it is.

Q Near what town? A Way Chouteau is the nearest town.

Q How far and what direction from Chouteau? A I can't tell you the directions at all.

Q How far from Chouteau? A I don't know sir.

Q How long did you live there? A I lived there two or three years, lived there with my sister.

Q Where was your husband? A Hadn't none.

Q What was your sister's name? A Harriett Marrow.

Q You lived there two or three years and you don't know the direction to town and don't know how far? A No, sir, because I never went to town.

Q Didn't you go up there on the train? A No, sir, I didn't.

Q Wasn't any train running there then, was there? A I never seen any.

Q Where did you go from when you went up to Timbered Hill? A I went from Pryor Creek.

Q To Timbered Hill? A Yes, sir.

Q Then how far was Timbered Hill from Pryor Creek? A I don't know.

Q In which direction did you go? A I am kinder turned around.

Q Towards the sunrise or sunset? A We traveled to sunset.

Q How long did it take you to travel it? A We went it in a day.

Q Was it a days trip? A By starting early in the morning we got there just about sunset.

Q And that was from the town of Pryor Creek? A No, sir it wasn't from the town, there wasn't no town there then, not where I was.

Q What place did you start from on Pryor Creek? A When I left Pryor Creek I left right out by Henry Melton's house, and about a mile of Blue Alberty's; I was working for Blue Alberty.

Q And you moved on another place close to Timbered Hill then and you traveled towards sunset from Pryor Creek all day, and you don't know any place closer to Timbered Hill than Chouteau? A That is the nearest town I recollect anything about; if there is any other place there it is unbeknown to me.

Q You never heard them talk about coming to town to trade? A I heard them talk about going to town to trade, but I thought they were going to Chouteau.

Q And you claim to have lived there two or three years? A Yes sir I did, honestly.

Q You never were at any town yourself? A No, sir, I wasn't.

Q Who were some of your neighbors up there around Timbered Hill.

Q It was a neighborhood of colored folks.

Q I want to know their names? A Rube Still.

Q Who else? A Jesse Chouteau, and a man by the name of Pee, but Pee what I don't know, I always called him Mr. Pee.

Q They were living there around there were they? A Yes, sir.

Q You just made your home with your sister? A Yes, sir, just made my home with my sister, because my brother in law went and got me.

Sarah Chatman, recalled, testified:

Commissioner: Were you enrolled as Sarah Smith when you enrolled? A I never have been enrolled.

The 1880 authenticated roll of Cherokee Freedmen examined and and the applicants not identified thereon.

Sarah Chatham- 5.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Q Did you draw Cherokee strip money? A No, sir, we never was on any roll at all.

The Kern-Clifton roll examined and the applicants not identified thereon.

The Wallace roll examined and the applicants not identified thereon.

Q Did you try to get strip money? A No, sir.

Commissioner: The applicant applied for the enrollment of herself and five children. It is established with reasonable certainty that the applicant was born in the Cherokee Nation; that she lived in the Cherokee Nation down to something less than 10 years ago, and that since that time she has divided her life between the Cherokee and Creek Nations, and has been living now and has been living for several years in the Cherokee Nation. She is not identified upon any roll. Her change of name arising from marriage is established in a satisfactory manner. She will be listed for enrollment as a Cherokee Freedman on a doubtful card, inasmuch as her mother has been so listed, through whom alone she seems to claim, and there will be filed with this case a copy of the testimony in the case of her mother, Sidney West, Cherokee Freedman Doubtful D-564. As for the five children named in the testimony, none of them are identified on any roll. They are living, and when the applicant files a proper certificate of birth for these five children, they also will be listed with her on a doubtful card. Their names are varied, but they are satisfactorily established as the natural children of the applicant. Their father is said to be a Creek, and their claim therefore rests through their mother alone. She claims that neither she or the children have ever been enrolled nor has applications ever been made for their enrollment with any other tribe or Nation than the Cherokee Nation. The final decision of the Commission with respect to all these persons will be made known to the applicant at her post office address. A copy of the testimony in this case will be supplied to the Creek files of the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 20th of June, 1901.

Bruce C. Jones
[Signature]

Commissioner.

NOTICE!

IN THE MATTER OF The application of Sarah Chatman
for enrollment as a Cherokee Freedman:

Case No. F. D. 678

To Sarah Chatman or J. R. Sequichie Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 24th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 24th day of Sept. 1901.

J. B. Bell
Wm. W. Hastings

.. *Attorneys for the Cherokee Nation.*

File with case of Sarah Chatman, et al., C.F.-D.#678.

Supl.C.F.-D.#564.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SIDNEY WEST as a Cherokee Freedman; introduced on the part of
Applicant:

APPEARANCES:

Mr. J. R. Sequichie, Agent for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

JOHN C. WEST, being duly sworn by Commissioner Needles,
testified as follows on behalf of Applicant:

MR. SEQUICHIE: What is your name? A John C. West.

Q Post office? A Muskogee.

Q Your age? A 59.

Q Mr. West, do you know a Cherokee Freedman, applicant, by the name
of Sidney West? A Yes, sir.

Q Did she belong to you or your family some way? A Yes, sir,
she belonged to father.

Q Do you remember what time, whether before the war or after the
war, she left the Cherokee Nation? A She left the Cherokee Nation
in about '63.

Q You remember what year she came back? A No, sir.

Q Did you ever hear of her any more after she left here?

(Question objected to by Mr. Hastings.)

Q Do you know when she came back to the Cherokee Nation?

A No, sir, I don't.

Q Did you see her at any time while she was away? A Yes, she
was with the family.

Q Where? A From '63 until about '68 I guess.

Q Where was that? A Down in the Chickasaw and Choctaw Nation,
down on Red river.

Q In the Indian Territory? A Yes, sir.

Q To about what year was she in the family? A As well as I remem-
ber about '65.

Q Do you know where she went then? A No, sir, I don't.

Q Did you ever see her in the Cherokee Nation after that?

A No, sir, I don't believe I ever did.

Q Never seen her? A No, sir.

MR. HASTINGS: Where do you live, in what district?

A Canadian.

Q How long have you lived there? A I have lived there since '60.

Q How wide across east and west is Canadian district? A I sup-
pose it is about 32 miles, east and west.

Q How far north and south? A About the same distance.

Q You have been sheriff of your district? A Yes, sir.

Q You have lived there ever since the war? A Yes, sir.

Q Been on the Police force? A Yes, sir.

COM'R NEEDLES: You say Sidney West during the war went to the
Chickasaw Nation? A Choctaw Nation, she went down there with the
family.

Q She didn't go any farther south than the Choctaw Nation?

A No, sir.

Q And the last you saw her was in the Choctaw Nation in '65?

A Yes, sir.

J. C. Poxson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
repeated the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

101-3-101

John A. Smith

Commissioner

Cher Fr D 679

Cher Fr D 679

File with Cherokee Freedman, D-679, Arch Chambers

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7, 1901.

In the matter of the application of Sidney West for enrollment
as a Cherokee Freedman.

Appearances:

J. R. Sequichie, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

SIDNEY WEST, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Sidney West.
Q How old are you? A I really don't know.
Q About how old? A I am about, as near as I can come at it, about
56 I guess.
Q What is your postoffice? A Hayden.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just my children.
Q How many children? A Six.
Q Have you got any children under age? A No, sir.
Q Your name on the roll of 1880? A I don't know, sir, whether
it is on there.

Q You don't know whether it is on any roll or not? A No, sir.

The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.

The Kern-Clifton roll examined and the applicant not identi-
fied thereon.

The Wallace roll examined and the applicant not identified
thereon.

Mr. Sequichie: Mrs. West, can you give any reason why you are not
on any of the rolls? A Well, I followed the Kern around to Gibson
and to Vinita and I followed them to Anderson, and they didn't put
me on because I didn't have any witnesses just then.

Q What court do you mean by that? A Kern's.

Q The Kern-Clifton enrollment? A Yes, sir.

Q What was the reason you didn't have any witnesses with you?

A Well, I thought I would find witnesses there on the ground and
it seems like nobody didn't want to own me.

Q Who did you belong to? A John West.

Q Were you here in the Cherokee Nation during the war between the
Confederates and the Union rebellion, the last war? A During of
the war, no sir.

Q Were you here before the war? A Yes, sir.

Q Where did you go during the war? A Went down to the Choctaw
Nation.

Q Were you ever married? A Yes, sir.

Q Who was your husband? A Charles Chambers.

Q How long did Charles Chambers and yourself live together?

A We lived together till we raised a family.

Q Do you remember what year you came back to the Cherokee Nation
after the war? A In '85 they told me, the fall of '85.

Q Who came back with you? A Charles Chambers.

Q Anybody else? A No, sir, because we went out from Red
River here.

Q What part of the Cherokee Nation did you come to when you re-
turned? A Sequoyah.

Q Do you know the reason why you are not enrolled on the 1880 roll?

A Why I don't know nothing at all about it.

Q In fact, you had no one to look after you? A No, sir, I didn't have anyone to look after me.

Q Just alone? A Myself alone.

Commissioner: Were you a slave? A Yes, sir.

Q To whom did you belong? A John West.

Q Was he a Cherokee? A Yes, sir.

Q Where were you born? A On Grand River.

Q In the Cherokee Nation? A Yes, sir.

Q And you went out during the war? A Yes, sir.

Q Did you go any farther south than the Choctaw Nation? A No, sir.

Q Been living here in the Cherokee Nation with that exception all your life? A No, sir, I have been in and out through the Creek Nation and then back in the Cherokee Nation.

Q Did you ever apply to the Creek Nation for enrollment? A No, sir.

Q You never drew any money from the Cherokee Nation then at all?

A No, sir.

Q Never been recognized? A No, sir.

Mr. Hastings: Where did you live before the war? A A Canadian.

Q In Canadian district? A Yes, sir.

Q Is your old master alive? A No, sir, he is dead.

Q Your young master alive? A Yes, sir.

Q Tell John West? A Yes, sir.

Q You belonged to them when the war came up? A Yes, sir.

Q You went south during the war? A Yes, sir.

Q Now you stated a while ago that you followed that Kern-Clifton Court around, and that you never could get a hearing, didn't you?

A Yes, sir.

Q You didn't get any hearing, did you? A No, sir, I never get any hearing from it.

Q I don't want you to misunderstand; you mean you never got to go before the Court? A Yes, sir, I went before the Court.

Q But you couldn't find any witnesses then? A No, sir.

Q Wasn't Charlie Chambers there? A He was there.

Q Wasn't Columbus Lasley there? A Yes, sir, he was there.

Q Couldn't you get them to swear for you then? A No, sir, I didn't, I didn't try, I must tell you the truth about it, for I was sick at the time.

Q Well, you followed them around from different places? A Yes, sir, I followed them around, me and my young mistress went to Vinita and they wouldn't hear her there at all.

Q What was her name? A At that time she was a Brewer, but she is Mrs. Ruthie Finley now.

Q Where does she live? A Colagah.

Q Does she know when you came back? A Yes, sir.

Q Did you come back with her? A No, sir, I came ahead of her.

Q Where did you come in the Cherokee Nation? A Sequoyah district.

Q Now who came with you? A Charles Chambers.

Q Did anybody else besides Charlie Chambers come with you? A Not with us they didn't.

Q Well, you came to Sequoyah district, did you? A Yes, sir.

Q Well, who did you live with down there in Sequoyah? A I lived with Charlie Chambers until he came away, then he left me living in a place belonging to a widow woman named Mrs. Franklin, near Jack Campbell's.

Q Did you continue to live there? A Yes, sir, lived there three years.

Q Do you know John Walton? A Well, no sir, I don't know whether I did or not.

Q Who did you know down there in that settlement? A John Campbell.

Q He is dead, is he? A Yes, sir, he is dead.

Q Anybody that is living that was there then? A Well, old man

Jack Campbell, he is dead too.

Q How about Dr. Campbell, at Illinois Station? A I don't know nothing about him.

Q Anybody else down there that you can think of that is living now?

A Well Harrison Foreman was one.

Q Was he living down there then? A Yes, sir, he was right there then.

Q Where was he living? A Living with his grandmother about a mile from Mrs. Franklin's next to the river.

Q Do you know Mrs. Franklin's daughter, Eliza McGrady? A Well, I don't know, she might have been married and away from there, I don't know, I know one they called Malinda.

Q Did you live with Charlie Chambers as husband and wife? A Yes, sir.

Q How long did you live with him after you came up there, up to Sequoyah district? A We lived together there about a year.

Q About what time of the year was it you came there? A When we came to Sequoyah, it was in the winter.

Q That was the winter after the close of the war? A Yes, sir.

Q That was the next winter was it? A It was that coming winter.

Q The war closed in the spring and that was the next winter, coming winter? A Yes, sir, that following winter.

Q You came up there with him? A Yes, sir.

Q And you lived there with him about a year? A Yes, sir.

Q Did you live with him until the winter following that? A He left in the spring.

Q The following spring? A Yes, sir.

Q Did you see him any more? A Yes, sir.

Q When did you see him? A Well, I came to Gibson and we lived there together again when I came there.

Q Well, how long had he been gone before you went up there?

A He had been gone about a year.

Q And you went up there and lived with him, to Gibson? A Yes, sir.

Q It was about a year after he left you before you went to Gibson?

A Yes, sir.

Q Then that was about two years after the war when you went to Gibson? A Yes, sir, it was about three years.

Q Where did you go from Gibson? A I went to Tahlequah; went to Park Hill.

Q Did you live with Charles Chambers at Park Hill? A Yes, sir.

Q How long did you live with him there? A Well, I don't know, really, exactly how long it was that we lived together there, some year or two.

Q Then where did you go? A I went to Tahlequah.

Q How long did you stay there? A I stayed around about Tahlequah about a year or maybe longer.

Q Well, where did you go from Tahlequah? A I came to Pryor Creek.

Q How long did you live there? A I stayed to Pryor Creek about a year.

Q Well, then where did you go? A I went to Timber Hill.

Q Who did you live with at Timber Hill? A Lived with my sister.

Q What was her name? A Harriett Marcus.

Q Where did you go from Timber Hill? A Well, I hired myself to a man over in the Creek Nation.

Q About what was that? A I really can't tell you.

Q About how many years ago? A Well, I just can't tell you that, to be honest with you.

Q As much as 30? About how long after the war was it? A I don't know as I can tell you that.

Q Well, just try to give us some sort of an estimate of it, to the best of your judgment how long after the war was it you went over into

the Creek Nation? A I reckon about ten or twelve years, and maybe longer.

Q How you married over there? A Well, sir, I married over there.

Q What was your husband's name? A Haley Scott.

Q Is that your present husband? A Yes, sir, he is dead though.

Q Did you just keep the name of Scott, your maiden name? A Yes, sir, my name never was changed.

Q Where did he die? A He died in the Creek Nation.

Q Are you living there now? A No, sir.

Q When did you come back from there? A About five years.

Q You moved back when the Kera-Dilton Court was around here?

A Before that.

Q Just a little before that? A Yes, sir.

Q You lived over there all the time up to then? A No, sir, when I married I didn't live with him about two years before he died, and I came back to the nation.

Q Where did you live? A I went to Four Mile Branch.

Q Who did you live with there? A A cousin of mine, Isaac Wilson.

Q How long did you live with Isaac Wilson? A Well, a year or so to my best knowledge.

Q Haven't you got a whole lot of children? A Yes, sir.

Q What are their names? A Isaac.

Q Well, name them? A Sabra.

Q How old is Sabra? A Well she was born the spring before she married.

Q Did you bring her back from the south with you? A Yes, sir.

Q And you walked? A Yes, sir, and carried two children.

Q Her and what other one? A That one is dead.

Q What was her name? A Her name was Hattie.

Q What are your other children's names who are alive?

A William Chambers.

Q Where was he born? A Born down in Sequoyah.

Q What is the next one? A Eliza.

Q Eliza Chambers? A Yes, sir, she lives down here to Claremore.

Q Where was she born? A She was born down to Sequoyah.

Q What is the next one? A Dick.

Q Where was Richard born? A Park Hill.

Q How old is Richard? A I really can't tell you his age.

Q What is the next one? A Sarah.

Q Her name Sarah Smith now? A No, sir, she is not a Smith now, she is a Chapman.

Q Where was Sarah born? A She was born in the Creek Nation.

Q Whose child is she? A Henry Smith.

Q Were you ever married to anybody besides Scott? A No, sir, I never was married to anybody besides Scott over there.

Q Didn't you testify before the Kera-Dilton Commission that you lived west of Checotah, towards the mouth of Checotah, at that time? A Yes, sir, I did, I told you it was in the Cherokee Nation though.

Q You said it was towards the mouth from Checotah? A No, sir, I never did live in that direction.

Q You never said that? A No, sir, if I did I don't remember it, I want to tell you I never did live in that direction.

Q Did you say you lived near Henry Schoonover? A Yes, sir.

Q How far did you live? A It was to his house, to my judgment, about as much as two or three miles.

Q How long did you live that far from him? A Well, I lived there during the time I was married there, for two years.

Q Henry Schoonover lives in the Cherokee Nation? A I know he does.

Q You were a while with him and lived in the Creek Nation? A Well I did.

Q That is when he lived near you? A Yes, sir.

Q Now, how long have you lived in Canadian district now? A I don't know live there.

Q Where do you live? A I live up here on Lightning Creek.

Q When did you move up here? A Over five years ago.

Q Where did you move from up here? A I moved from the Creek Nation.

Q Now, how long had you been living in the Creek Nation when you moved up here? A I hadn't been there more than a month or two, because I went from Fort Gibson over there.

Q How long had you been living at Gloccon when you went over there?

A I was just going backwards and forwards.

Q Where did you have a house? have one at Gibson? A Yes, sir, I had a house at Four Mile Branch, well at Park Hill.

Q Then did you have one there? A When me and Charlie lived there.

Q After that? A I never had a house after that, I was just working out.

Q You never had a home after that? A No, sir.

Q That was about four years after the war? A Yes, sir.

Q You never had a house? A Yes, sir, just working around among the people, I would just go and leave the children at people's houses.

Q Where have these children been living? A Left them once with my sister.

Q What is her name? A Mintie Martin.

Q Where does she live? A On Pryor Creek.

Q How long did you leave them there? A Left them once about six months, and another time near about a year.

Q Now tell me how long you have been living in the Creek Nation?

A Well I haven't told you.

Commissioner: Tell it again, about how long? A To the best of my recollection, I haven't been living there continuously.

Mr. Hastings: All the time, combined? A I can't go to work and tell you that, it wasn't combined at all, because I was just backwards and forwards.

Q Did your husband have a home over there? A Yes, sir, he did.

Q What did you do with it after he died? A Well, his daughter took it and sold it to McKellogg.

Mr. Serwiche: Which McKellogg? A Albert.

Commissioner: You lived backwards and forwards in the Creek Nation and the Cherokee Nation? A Yes, sir.

Q Where did you could get work? A Yes, sir, wherever I could get work to support my children.

Mr. Hastings: Have you worked any in Kansas? A No, sir, I don't know where Kansas is.

Q Never worked there? A Never was in the state in my life.

Q Arkansas? A No, sir.

Q Texas? A No, sir, the nearest place I have ever been was Fort Smith and I was called there as a witness.

Q You had two children, Lucinda and Eva, born in the Creek Nation?

A No, sir, never had a child of that name in my life.

Q They are your grandchildren? A Might be.

Q I ask you if you know them, Lucinda and Eva Polomel?

A That is right.

Q You know them now? A Yes, sir.

Q Where were they born? A They were born in the Creek Nation I reckon, because I don't know nothing about it.

Q Whose children are they? A They are my daughter's children; they are in the Creek Nation with their father.

CHARLIE CHAMBERS, being duly sworn and examined by Commissioner Seelies, testified as follows.

Q What is your name? A Charlie Chambers.

Q About how old are you? A 70 years old.

Q What is your postoffice? A Hudson.

Mr. Sequichie: Do you know Mrs. Sidney West here? A Yes, sir.

Q Did you and her ever live together as man and wife? A Yes sir.

Q When were you married? A Well, we were not married, we took up together just like the darkies always just used to do; there wasn't anybody to marry us in that times.

Q When was that? A That was in the war time, just directly after the war first came up.

Q Where did you first become acquainted with her? A When I first got acquainted with her, that was away before the war, I got acquainted with her at Fort Gibson, but when we came together that was on Red River.

Q During the war? A In time of the war.

Q How long did you and her live together? A We lived together I guess about, as well as I can recollect, six or seven years.

Q Did you return back to the Cherokee Nation with her? A Yes, sir.

Q What year was that? A They told me it was in '85, they wasn't hardly stopped fighting yet, when we came along, they were killing all along the road.

Q Are you on the 1880 roll? A Yes, sir.

Mr. Sequichie: I would like to identify him on the 1880 roll.

Commissioner: He isn't an applicant; there is no use to identify him on the 1880 roll.

Mr. Hastings: Where did you know this woman down south? A Knew her right at John West's.

Q John West living down there? A Yes, sir, he was living there.

Q Charlie, you ever been up before the courts any? (No response)

Q Ever tried at Fort Smith; answer the question? A Well yes I told you that: you ask me that every day.

Q Convicted? A No, sir.

Q Was you ever tried in the Cherokee Courts? A Yes, sir.

Q Ever tried by the United States Court at Vinita? A Yes, sir.

Q You were around when the Kern-Clifton Commission was making the roll five years ago, were you? A Yes, sir.

Q You never testified for this woman then? A No, sir.

Commissioner: Why didn't you testify for this woman then when they were making the Kern-Clifton roll? A I suppose she testified for herself down to Gibson, she wasn't with me then.

Q Did she ask you to testify for her? A No, sir.

Q Was this woman Sidney West a slave? A Yes, sir.

Q Who did she belong to? A She belonged to John West.

Q John West a Cherokee citizen? A Yes, sir.

Q Was she taken out of the country during the war? A Taken out at the commencement of the war.

Q Where to? A She was taken down there to Red River in the Choctaw Nation.

Q Do you know when she came back? A Yes, sir.

Q When? A Came back in '85.

Q You came with her? A Yes, sir.

Q How long did you live with her after that? A After I came back, why I lived with her a little while down there and I left her down there and I came on back up to Tahlequah, and she came there; and I don't know how long we did live together there.

Q You say you lived with her in the Choctaw Nation? A No, sir, lived here this side of Fort Smith in the Cherokee Nation.

Q You know where she has been living since that? A No I don't, when I left her all I know about her, I left her right there between Fort Gibson and Tahlequah.

Mr. Hastings: You know she has been living in the Creek Nation?

A Yes, sir, I had heard she was living in the Creek Nation.

A She has married over there? A Yes, sir.

Q She lived over there until a few years before the Kern-Clifton Commission? A No, sir, she hasn't been living there ever since, of course her husband wouldn't allow her to come back, and as quick as he was died, she came back.

Q How much are you charging this woman for testifying for her; anything? A No, not charging her a cent.

Q You charge any of these people anything to testify for them?

A Some of them I do; of course they have got to pay me while I stay here.

Q What is the most you ever charged any of them to testify for them? A I don't know, I can't say, sometimes three or four dollars.

Q How long did you live with her down in the lower part of the Cherokee Nation? A Down this side of Fort Smith, I didn't stay there long, I don't know; I came there along the spring and stayed there along in the summer, and I came on up here.

Q Who did you leave with her? A Nobody but her children.

Q Living in a house? A Yes, sir.

Q On whose place? A It was on nobody's place, it was on an old waste place we had come on to.

Q Made a crop, didn't you? A No, sir.

Q What did you live on? A Just what I could work around and get.

Q Who did you work for around there? A I don't know the man's name, I worked a little in town, I worked a little around in town, I don't know who I worked for, I don't know the man's name.

Q Well, when did you see her next? A She came up to Tahlequah, she came herself.

Q You ran off and left her down there? A Yes, sir, I came off and left her down there.

COLUMBUS LASLEY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Columbus Lasley.

Q How old are you? A 58.

Q What is your postoffice? A Tahlequah.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Mr. Seghiche: Mr. Lasley, do you know Mrs. Stanley West? A Yes, sir.

Q Was she a slave? A I can't tell you that.

Q Do you know what year she returned from the south, after the war?

A Not exactly I can't, I can tell you about what time I seen her.

Q When did you see her after the war? A In the beginning of the war I lived at Fort Gibson, and in '67 we lived out to Four Mile Branch, what is called Four Mile Branch east of Fort Gibson; shortly after that time is when I saw her.

Mr. Hastings: You know where she has lived since that time? A I know several different places; she lived at what is called Park Hill since that time.

Q Where else? A Well, I said I don't know, I don't know all them, she told me she lived over here on Canadian on some place, in the Creek Nation somewhere.

Q You never saw her there? A No, sir.

Commissioner: What time is it? A I did you see this woman? A It was in '88 we went out on the Four Mile Branch, it was after that I got acquainted with her.

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... I had to speak for her and she is
... and we have witnesses in
... the law there, the Fifth and

Understand that the United States is not bound by any of the obligations of the Geneva Convention, and that the United States is not bound by any of the obligations of the Geneva Convention, and that the United States is not bound by any of the obligations of the Geneva Convention.

During the trial, being fully aware that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing facts from and complete transcript of said stenographic notes thereof.

Storn to and subscribed before me this 18th of August, 1901

BOOKS

Department of the Interior,
Commission to the Five Civilized Tribes.
Oklahoma, I. T., June 11, 1901.

In the matter of the application of Dick Chambers for enrollment as a Cherokee Freedman.

Apparatus:

J. R. Sequichie, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Dick Chambers, being duly sworn and examined by Commissioner Brockinridge, testified as follows:

Q Give me your name? A Dick Chambers.
Q How old are you? A I am 35 years old.
Q What is your post office? A Hayden.
Q In what district do you live? A 00000000000000000000.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for anybody besides yourself? A No, sir.
Q Just yourself? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A Been living
in the Cherokee Nation ever since I can remember.
Q Have you lived here all your life? A Yes, sir.
Q Give me the name of your father? A Charles Chambers.
Q Is he living? A Yes, sir.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Give me the name of your mother? A Sidney West.
Q That is her present name is it? A Yes, sir.
Q She is alive, is she? A Yes, sir.
Q Is she the woman who afterwards married a man named Scott?
A Yes, sir, that is the woman.
Q But she goes by the name of West? A Yes, sir, that is
the way she gave her name.
Q Was she at the time of the war a slave of John West? A Yes, sir.
Q That is your understanding, is it? A That is my understanding.
Q And that she applied here two or three days ago? A Yes, sir.
Commissioner? Her case is Cherokee Freedman D-554.
Q Where is your father living now? A Living on Big Creek, he
tells me.
Q Do you know how old he is? A No, sir, I can't tell you.
Q Have you any claim to enrollment through your father? A I
never have, only —
Q Only through your mother? A Yes, sir.
Q Has your father ever been recognized as a Cherokee Freedman?
A So I understand.
Q Was there ever any marriage between him and your mother?
A That is before my recollection, I can't tell you anything about
that.
Q She is not living with him now? A No, sir.
Q She has never lived with him as far as you know? A No, sir,
I never knew of her living with him since I can remember.
The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.
The 1890 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.
Q Did you draw strip money? A No, sir, I didn't draw it,
no sir.
Q Who is Susan? A That is my sister.
Q Who is William? A That is my brother.
Q You are the only Richard in the family? A Yes, sir.
Q Are these by the same mother? A Yes, sir.
Mr. Hastings: Is Sidney West the mother of these other two
children? A Yes, sir.

Dick Chambers - 2.

The Kern-Clifton roll examined and the applicant not identified thereon.

The Wallace roll examined and the applicant identified thereon, page 107, No. 2279, Cooweescoowee district, as Richard Chambers.

Q When you were first old enough to remember, where were you living?
A Lived out on the Four Mile Branch with Isaac Wilson, when he first started a place.

Q How far was that from Grand River? A Why it was eight miles.

Q How old were you when you left Isaac Wilson's? A I don't know.

Q About how old were you? A I ~~can't~~ don't know.

Q Can't you form any idea at all? A No, I don't know, I can't say, I would make some mistake in my age.

Q Were you half grown? were you as much as ten years old? A Yes, I was about 14 I guess.

Q Who were your neighbors at Isaac Wilson's? A Arch Carter and Suwak Walker.

Q Either of those alive? A Suwak Walker is dead.

Q Arch Carter alive? A Arch Carter I think is living.

Q He the father of Andy Carter? A Yes, sir.

Q You had lived near them ever since you can remember until you were about 14 years of age? A Yes, sir.

Q Right there? A Yes, sir.

Q Where did you go from there? A I went from there to Muskogee.

Q Have you been married? A No, sir.

Q You were never married? A No, sir, never was married.

Q Well, how long did you live at Muskogee? A I didn't stay there over two months.

Q Then where did you go? A I went back down in the Cherokee Nation down close to Webbers Falls.

Q Who did you live with down there? A I worked for Mrs. Julia Taylor.

Q How long did you remain there? A I worked there a year.

Q Then where did you go? A I came back then to Fort Gibson.

Q How long did you remain there? A I stayed there I think two years.

Q Well, who did you work for at Fort Gibson? A At Fort Gibson I worked for Mr. Nash.

Q F. H. Nash? A Yes, sir, he had a farm out there.

Q Where did you go from Fort Gibson? A Came back to Muskogee.

Q Well, how long did you live at Muskogee at that time? A I lived around Muskogee then about, lets see, two years I think, about a year and a half anyway there.

Q Where did you go from Muskogee? A I went from Muskogee, I came up here at Lightning Creek.

Q You have lived at Lightning Creek since? A Yes, sir.

Q When did you come to Lightning Creek? A I came to Lightning Creek I guess about three years ago.

Q Have you ever been in Kansas? A No, sir.

Q Never was in the state? A No, sir, I never was in the state.

Q Even in Texas? A No, sir.

Q You have then lived, so far as you know, either in the Creek Nation or the Cherokee Nation? A Yes, sir, tramping around.

Q Did you ever apply to be enrolled with the Creeks or any other Nation except the Cherokees? A Never applied for any enrollment at all, except with the Cherokees.

Q Mr. Hastings? Did you ever know Columbus Lanley over there on 14 Mile creek? A Yes, sir, I know Columbus Lanley.

Q Or John Lanley? A Yes, sir, I know Columbus Lanley.

Q Did you know them over there on 14-Mile creek? A Yes, sir, over on 4 Mile Branch.

Dick Chambers - 3.

Q Where was he living then? A He was living at Tahlequah, right in town.

Q Now where did you come from when you went to Four Mile Branch?

A Lets see where did I come from, when I came to Four Mile Branch I came from Muskogee. It wasn't Muskogee either, it was the old Creek Agency, I was riding horses there, I run off from the man I was working for and went over there.

Q How old were you when you were riding these races? A I was about eight years old I guess when I first commenced riding races.

Q Where were you born? A They told me I was born at Eufaula, Okla. Park Hill.

Q You don't remember living at Park Hill? A No, sir, I don't remember it.


Q How long did you live at Isaac Wilson's on Four Mile Branch? A I don't know, about three years I guess.

Commissioner: The applicant avers that he has lived in the Cherokee Nation all his life, and he seems to have spent his life in the Cherokee Nation ~~some~~ time past in the Creek Nation. He further affirms that he has not applied for enrollment with any other tribe or Nation than the Cherokees. He is identified on the Wallace roll, but not upon the roll of 1890 or upon the Kern-Clifton roll or that of 1898. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further evidence in his case, there will be filed herewith the testimony in the case of his mother, Sidney West, Cherokee Freedman D-554. It is possible, so far as the present testimony indicates, that he may have a claim through his father, Charles Chambers, but the relations between Charles Chambers and the applicant's mother are fully set forth in the case just cited. The final decision of the Commission will be made known to the applicant at his post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 29th of June, 1901.



Commissioner.

NOTICE!

IN THE MATTER OF The application of Dick Chambers
for enrollment as a Cherokee Freedman:

Case No. F. D. 679

To Dick Chambers or J. R. Sequichie Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 24th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept., 1901.

B. Bell
W. W. Hastings

Attorneys for the Cherokee Nation.

File with case of Dick Chambers, C.F.-D.#679.

Supl. C.F.-D.#564.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, T.T. SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SIDNEY WEST as a Cherokee Freedman; introduced on the part of
Applicant:

APPEARANCES:

Mr. J. R. Sequichie, Agent for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

JOHN C. WEST, being duly sworn by Commissioner Needles,
testified as follows on behalf of Applicant:

MR. SEQUICHIE: What is your name? A John C. West.

Q Post office? A Muskogee.

Q Your age? A 59.

Q Mr. West, do you know a Cherokee Freedman, applicant, by the name
of Sidney West? A Yes, sir.

Q Did she belong to you or your family some way? A Yes, sir,
she belonged to father.

Q Do you remember what time, whether before the war or after the
war, she left the Cherokee Nation? A She left the Cherokee Nation
in about '63.

Q You remember what year she came back? A No, sir.

Q Did you ever hear of her any more after she left here?

(Counsel objected to by Mr. Hastings.)

Q Do you know when she came back to the Cherokee Nation?

A No, sir, I don't.

Q Did you see her at any time while she was away? A Yes, she
was with the family.

Q Where? A From '63 until about '66 I guess.

Q There was that? A Down in the Chickasaw and Choctaw Nation,
down on Red River.

Q In the Indian Territory? A Yes, sir.

Q To about what year was she in the family? A As well as I remem-
ber about '65.

Q Do you know where she went then? A No, sir, I don't.

Q Did you ever see her in the Cherokee Nation after that?

A No, sir, I don't believe I ever did.

Q Never seen her? A No, sir.

MR. HASTINGS: Where do you live, in what district?

A Canadian.

Q How long have you lived there? A I have lived there since '60.

Q How wide across east and west is Canadian district? A I sup-
pose it is about 32 miles, east and west.

Q How far north and south? A About the same distance.

Q You have been sheriff of your district? A Yes, sir.

Q You have lived there ever since the war? A Yes, sir.

Q Been on the Police force? A Yes, sir.

COM. NEEDLES: You say Sidney West during the war went to the
Chickasaw Nation? A Choctaw Nation, she went down there with the
family.

Q She didn't go any farther south than the Choctaw Nation?

A No, sir.

Q And the last you saw her was in the Choctaw Nation in '65?

A Yes, sir.

J. C. Bosson, being first duly sworn, states that as Attest-
rapler to the Commission to the Five Civilized Tribes he correctly
recalled the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his statements as
so stated.


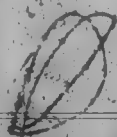
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 9 1901



ACTING CHAIRMAN



CONFIDENTIAL

Supl.C.P.D.#554.---

Subscribed and sworn to before me this October 4th, 1901.



Commissioner

Cherokee Freedmen D 679.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Dick Chambers for enrollment as a Cherokee Freedman.

DECISION.

The record in this case shows that on June 11, 1901, Dick Chambers appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. The testimony taken at various times in the matter of the application for the enrollment of Sidney West as a Cherokee Freedman has been made a part of the record herein.

The evidence shows that the applicant is a son of Charlie Chambers, who is identified on the 1880 authenticated Cherokee roll as an adopted colored. It is presumed from this enrollment that the Cherokee Nation recognized that the said Charlie Chambers had complied with the terms of the treaty of 1866.

The evidence further shows that the applicant, Dick Chambers, has resided in the Indian Territory all his life, and that during the greater part of that time he has lived in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Dick Chambers, having been born since 1866, should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the act of Congress, approved June 25, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Chairman.

SIGNED:

Commissioner.

SIGNED:

Commissioner.

SIGNED:

Commissioner.

Dated at Muskogee, Indian Territory,
this MAR 5 1904

COMMISSIONERS
TAMM BIXBY,
THOMAS S. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

msg

REFER IN REPLY TO THE FOLLOWING
Sherokee Freedman
D-479

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Dick Chambers for enrollment as a Cherokee freedman.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

C. R. Breckinridge

Encl. V-25

Commissioner in Charge.

msg

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 31, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 25, asking for fifteen days additional time in which to file protests against decisions in the following Cherokee cases:

Freedmen D 679, Dick Chambers
" D 922, John Rowe et al
" D 313, Andrew Bean et al
" D 508, et al Flora Murrell et al
" D 205, Tobias Bean
" D 859, Andrew Daniels et al
" D 585, Chaney Groves et al
" D 125, Henry Taylor
" D 945, Carrie Nave et al

Cherokee 3711, Thomas J. Lassley et al
" D 13, Josie Mae Hall et al
" D 1163 Ludie Daniels
" D 3070 Ruth M. Patton
" D 1217 James Jones et al.

Your request is granted, and the Commission's decisions in the above named cases will be held awaiting your protests until April 19.

Respectfully,



Commissioner in Charge.

Cher Fr D 680

Cher Fr D 680

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File with Cherokee Freedman, D-680, Essie Webber

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7, 1901.

In the matter of the application of Sidney West for enrollment
as a Cherokee Freedman.

Appearances:

J. R. Sequichie, agent for applicant;

W. W. Hastings, of counsel for Cherokee Nation.

SIDNEY WEST, being duly sworn and examined by Commissioner
Needles, testified as follows:

Q What is your name? A Sidney West.

Q How old are you? A I really don't know.

Q About how old? A I am about, as near as I can come at it, about
56 I guess.

Q What is your postoffice? A Hayden.

Q What district do you live in? A Coomescoowee.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A Just my children.

Q How many children? A Six.

Q Have you got any children under age? A No, sir.

Q Your name on the roll of 1880? A I don't know, sir, whether
it is on there.

Q You don't know whether it is on any roll or not? A No, sir.

The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.

The 1886 census roll of Cherokee Freedmen examined and the
applicant not identified thereon.

The Kern-Clifton roll examined and the applicant not identi-
fied thereon.

The Wallace roll examined and the applicant not identified
thereon.

Mr. Sequichie: Mrs. West, can you give any reason why you are not
on any of the rolls? A Well, I followed the Kern around to Gibson
and to Vinita and I followed them to Anderson, and they didn't put
me on because I didn't have any witnesses just then.

Q What Court do you mean by that? A Kern's.

Q The Kern-Clifton enrollment? A Yes, sir.

Q What was the reason you didn't have any witnesses with you?

A Well, I thought I would find witnesses there on the ground and
it seems like nobody didn't want to own me.

Q Who did you belong to? A John West.

Q Were you here in the Cherokee Nation during the war between the
Confederates and the Union rebellion, the last war? A During of
the war, no sir.

Q Were you here before the war? A Yes, sir.

Q Where did you go during the war? A Went down to the Choctaw
Nation.

Q Were you ever married? A Yes, sir.

Q Who was your husband? A Charles Chambers.

Q How long did Charles Chambers and yourself live together?

A We lived together till we raised a family.

Q Do you remember what year you came back to the Cherokee Nation
after the war? A In '65, they told me, the fall of '65.

Q Who came back with you? A Charles Chambers.

Q Anybody else? A No, sir, because we went out from Red
River here.

Q What part of the Cherokee Nation did you come to when you re-
turned? A Sequoyah.

Q Do you know the reason why you are not enrolled on the 1880 roll?

A Why I don't know nothing at all about it.

Q In fact, you had no one to look after you? A No, sir, I didn't have anyone to look after me.

Q Just alone? A Myself alone.

Commissioner: Were you a slave? A Yes, sir.

Q To whom did you belong? A John West.

Q Was he a Cherokee? A Yes, sir.

Q Where were you born? A On the river.

Q In the Cherokee Nation? A Yes, sir.

Q And you went out during the war? A Yes, sir.

Q Did you go any further south than the Choctaw Nation? A No, sir.

Q Been living here in the Cherokee Nation with that exception all your life? A No, sir, I have been in and out through the Creek Nation and then back in the Cherokee Nation.

Q Did you ever apply to the Creek Nation for enrollment? A No, sir.

Q You never drew any money from the Cherokee Nation then at all?

A No, sir.

Q Never been recognized? A No, sir.

Mr. Hastings: Where did you live before the war? A On Canadian.

Q In Canadian district? A Yes, sir.

Q Is your old master alive? A No, sir, he is dead.

Q Your young master alive? A Yes, sir.

Q Tell John West? A Yes, sir.

Q You belonged to them when the war came up? A Yes, sir.

Q You went south during the war? A Yes, sir.

Q Now you stated a while ago that you followed that Kern-Clifton court around, and that you never could get a hearing, didn't you?

A Yes, sir.

Q You didn't get any hearing, did you? A No, sir, I never got any hearing from it.

Q I don't want you to misunderstand; you mean you never got to go before the court? A Yes, sir, I went before the court.

Q But you couldn't find any witnesses then? A No, sir.

Q Wasn't Charlie Chambers there? A He was there.

Q Wasn't Columbus Lusby there? A Yes, sir, he was there.

Q Couldn't you get them to swear for you then? A No, sir, I didn't. I didn't try. I must tell you the truth about it, for I was sick at the time.

Q Well, you followed them around from different places? A Yes, sir, I followed them around, me and my young mistress went to Winita and they wouldn't hear her there at all.

Q What was her name? A At that time she was a brewer, but she is Mrs. Ruthie Finley now.

Q Where does she live? A Colagen.

Q Does she know when you came back? A Yes, sir.

Q Did you come back with her? A No, sir, I came ahead of her.

Q Where did you come in the Cherokee Nation? A Sequoyah district.

Q Now who came with you? A Charlie Chambers.

Q Did anybody else besides Charlie Chambers come with you? A Not with us they didn't.

Q Well, you came to Sequoyah district, did you? A Yes, sir.

Q Well, who did you live with down there in Sequoyah? A I lived with Charlie Chambers until he came away, then he left me living in a place belonging to a sister whose name was Mrs. Franklin, near Jack Campbell's.

Q Did you continue to live there? A Yes, sir, lived there three years.

Q Do you know John Melton? A Well, no sir, I don't know whether I did or not.

Q Who did you know down there in that settlement? A John Campbell.

Q He is dead, is he? A Yes, sir, he is dead.

Q Anybody that is living that was there then? A Well, old man

Jack Campbell, he is dead too.

Q Now about Dr. Campbell, at Illinois Station? A I don't know nothing about him.

Q Anybody else down there that you can think of that is living now?

A Well Harrison Foreman was one.

Q Was he living down there then? A Yes, sir, he was right there then.

Q Where was he living? A Living with his grandmother about a mile from Mrs. Franklin's next to the river.

Q Do you know Mrs. Franklin's daughter, Eliza McGrady? A Well, I don't know, she might have been married and away from there, I don't know, I know one they called Malinda.

Q Did you live with Charlie Chambers as husband and wife? A Yes, sir.

Q How long did you live with him after you came up there, up to Sequoyah district? A We lived together there about a year.

Q About what time of the year was it you came there? A When we came to Sequoyah, it was in the winter.

Q That was the winter after the close of the war? A Yes, sir.

Q That was the next winter was it? A It was that coming winter.

Q The war closed in the spring and that was the next winter, coming winter? A Yes, sir, that following winter.

Q You came up there with him? A Yes, sir.

Q And you lived there with him about a year? A Yes, sir.

Q Did you live with him until the winter following that? A He left in the spring.

Q The following spring? A Yes, sir.

Q Did you see him any more? A Yes, sir.

Q When did you see him? A Well, I came to Gibson and we lived there together again when I came there.

Q Well, how long had he been gone before you went up there?

A He had been gone about a year.

Q And you went up there and lived with him, to Gibson? A Yes, sir.

Q It was about a year after he left you before you went to Gibson?

A Yes, sir.

Q Then that was about two years after the war when you went to Gibson? A Yes, sir, it was about three years.

Q Where did you go from Gibson? A I went to Tahlequah; went to Park Hill.

Q Did you live with Charles Chambers at Park Hill? A Yes, sir.

Q How long did you live with him there? A Well, I don't know, really, exactly how long it was that we lived together there, some year or two.

Q Then where did you go? A I went to Tahlequah.

Q How long did you stay there? A I stayed around about Tahlequah about a year or maybe longer.

Q Well, where did you go from Tahlequah? A I came to Pryor Creek.

Q How long did you live there? A I stayed to Pryor Creek about a year.

Q Well, then where did you go? A I went to Timber Hill.

Q The did you live with at Timber Hill? A Lived with my sister.

Q What was her name? A Harriett Maroon.

Q Where did you go from Timber Hill? A Well, I hired a man to a man over in the Creek Nation.

Q About what was that? A I really can't tell you.

Q About how many years ago? A Well, I just can't tell you that, to be honest with you.

Q As much as 20; about how long after the war was it? A I don't know as I can tell you that.

Q Well, just try to give us some sort of an estimate of it, to the best of your judgment how long after the war was it you went over into

the Creek Nation? A I reckon about ten or twelve years, and maybe longer.

Q Have you married over there? A Yes, sir, I married over there.

Q What was your husband's name? A Haley Scott.

Q Is that your present husband? A Yes, sir, he is dead though.

Q Did you just keep the name of Scott, your maiden name? A Yes, sir, my name never was changed.

Q Where did he die? A He died in the Creek Nation.

Q Are you living there now? A No, sir.

Q When did you move back from there? A Been about five years.

Q You moved back when the Kern-Clifton court was around here?

A Before that.

Q Just a little before that? A Yes, sir.

Q You lived over there all the time up to then? A No, sir, when I married I didn't live with him about two years before he died, and I came back to the Nation.

Q Where did you live? A I went to Four Mile Branch.

Q Who did you live with there? A A cousin of mine, Isaac Wilson.

Q How long did you live with Isaac Wilson? A Well, a year or so to my best knowledge.

Q Haven't you got a whole lot of children? A Yes, sir.

Q What are their names? A James.

Q Tell, name them? A Sabra.

Q How old is Sabra? A Well she was born the spring before was declared.

Q Did you bring her back from the south with you? A Yes, sir.

Q And you walked? A Yes, sir, and carried two children.

Q Her and what other one? A That one is dead.

Q What was her name? A Her name was Rattie.

Q What are your other children's named who are alive?

A William Chambers.

Q Where was he born? A Born down in Sequoyah.

Q What is the next one? A Eliza.

Q Eliza Chambers? A Yes, sir, she lives down here to Claremore.

Q Where was she born? A She was born down in Sequoyah.

Q What is the next one? A Dick.

Q Where was Richard born? A Park Hill.

Q How old is Richard? A I really can't tell you his age.

Q What is the next one? A Sarah.

Q Her name Sarah Smith now? A No, sir, she is not a Smith now, she is a Chapman.

Q Where was Sarah born? A She was born in the Creek Nation.

Q Whose child is she? A Henry Smith.

Q Were you ever married to anybody besides Scott? A No, sir, I never was married to anybody besides Scott over there.

Q Didn't you testify before the Kern-Clifton commission that you lived west of Cherokee, towards the sunset of Cherokee, at that time? A Yes, sir, I did, I told you it was in the Cherokee Nation though.

Q You said it was towards the sunset from Cherokee? A No, sir, I never did live in that direction.

Q You never said that? A No, sir, if I did I don't remember it, I want to tell you I never did live in that direction.

Q Did you say you lived near Henry Schoonover? A Yes, sir.

Q How far did you live? A It was in his house, to my judgment, about as much as two or three miles.

Q How long did you live that far from him? A Well, I lived there during the time I was married there, for two years.

Q Henry Schoonover lives in the Cherokee Nation? A I know he does.

Q You said a while ago that you lived in the Creek Nation? A Well I did.

Q That is when he lived near you? A Yes, sir.

Q Now, how long have you lived in Canadian district now? A I don't live there.

Q Where do you live? A I live up here on Lightning Creek.

Q When did you move up here? A Over five years ago.

Q Where did you move from up here? A I moved from the Creek Nation.

Q Now, how long had you been living in the Creek Nation when you moved up here? A I hadn't been there more than a month or two, because I went from Fort Gibson over there.

Q How long had you been living at Gibson when you went over there?

A I was just going backwards and forwards.

Q Where did you have a house? Have one at Gibson? A Yes, sir, I had a house at your little branch, well at Park Hill.

Q When did you have one there? A When me and Charlie lived there.

Q After that? A I never had a house after that, I was just working out.

Q You never had a home after that? A No, sir.

Q That was about four years after the war? A Yes, sir.

Q You never had a house? A Yes, sir, just working around among the people, I would just go and leave the children at people's houses.

Q Where have these children been living? A Left them once with my sister.

Q What is her name? A Mintie Martin.

Q Where does she live? A On Pryor Creek.

Q How long did you leave them there? A Left them once about six months, and another time for about a year.

Q Now tell me how long you have been living in the Creek Nation?

A Well I have told you.

Commissioner: Tell it again, about how long? A To the best of my recollection, I haven't been living there continuously.

Mr. Hastings: All the time, combined? A I can't go to work and tell you that, it wasn't combined at all, because I was just backwards and forwards.

Q Did your husband have a wife over there? A Yes, sir, he did.

Q What did you do with it after he died? A Well, his daughter took it and sold it to her father.

Mr. Beuchamp: Which daughter? A Albert.

Commissioner: You lived backwards and forwards in the Creek Nation and the Cherokee Nation? A Yes, sir.

Q Where did you could get work? A Yes, sir, wherever I could get work to support my children.

Mr. Hastings: Have you worked any in Kansas? A No, sir, I don't know where Kansas is.

Q Never worked there? A Never was in the state in my life.

Q Arkansas? A No, sir.

Q Texas? A No, sir, the nearest place I have ever been was Fort Smith and I was called there as a witness.

Q You had two children, Lucinda and Eva, born in the Creek Nation?

A No, sir, never had a child of that name in my life.

Q They are your grandchildren? A Might be.

Q I ask you if you know them, Lucinda and Eva Colonel?

A That is right.

Q You know them now? A Yes, sir.

Q Where were they born? A They were born in the Creek Nation I reckon, because I don't know nothing about it.

Q Whose children are they? A They are my daughter's children, they are in the Creek Nation with their father.

CHARLES CHAMBERS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charlie Chambers.

Q About how old are you? A 70 years old.

Q What is your postoffice? A Hudson.

Mr. Sequichie: Do you know Mrs. Sidney West here? A Yes, sir.

Q Did you and her ever live together as man and wife? A Yes sir.

Q When were you married? A Well, we were not married, we took up together just like the darkies always just used to do; there wasn't anybody to marry us in that times.

Q When was that? A That was in the war time, just directly after the war first came up.

Q Where did you first become acquainted with her? A When I first got acquainted with her, that was away before the war, I got acquainted with her at Fort Gibson, but when we came together that was on Red River.

Q During the war? A In time of the war.

Q How long did you and her live together? A We lived together I guess about, as well as I can recollect, six or seven years.

Q Did you return back to the Cherokee Nation with her? A Yes, sir.

Q What year was that? A They told me it was in '65, they wasn't hardly stopped fighting yet, when we came along, they were killing all along the road.

Q Are you on the 1880 roll? A Yes, sir.

Mr. Sequichie: I would like to identify him on the 1880 roll.

Commissioner: He isn't an applicant; there is no use to identify him on the 1880 roll.

Mr. Hastings: Where did you know this woman down south? A Know her right away John West's.

Q John West living down there? A Yes, sir, he was living there.

Q Charlie, you ever been up before the courts any? (No response)

Q Ever tried at Fort Smith; answer the question? A Well yee I told you that; you ask me that every day.

Q Convicted? A No, sir.

Q Was you ever tried in the Cherokee court? A Yes, sir.

Q Ever tried by the United States court at Vinita? A Yes, sir.

Q You were around when the Kern-Clifton Commission was making the roll five years ago, were you? A Yes, sir.

Q You never testified for this woman then? A No, sir.

Commissioner: Why didn't you testify for this woman then when they were making the Kern-Clifton roll? A I suppose she testified for herself down to Gibson, she wasn't with me then.

Q Did she ask you to testify for her? A No, sir.

Q Was this woman Sidney West a slave? A Yes, sir.

Q Who did she belong to? A She belonged to John West.

Q John West a Cherokee citizen? A Yes, sir.

Q Was she taken out of the country during the war? A Taken out at the commencement of the war.

Q Where to? A She was taken down there to Red River in the Choctaw Nation.

Q Do you know when she came back? A Yes, sir.

Q When? A Came back in '65.

Q You came with her? A Yes, sir.

Q How long did you live with her after that? A After I came back, why I lived with her a little while down there and I left her down there and I came on back up to Tallegus, and she came there, and I don't know how long we did live together there.

Q You say you lived with her in the Choctaw Nation? A No, sir, lived here this side of Fort Smith in the Cherokee Nation.

Q You know where she has been living since that? A No I don't, when I left her all I know about her, I left her right there between Fort Gibson and Tahlequah.

Mr. Hastings: You know she has been living in the Creek Nation?

A Yes, sir, I had heard she was living in the Creek Nation.

Q She has married over there? A Yes, sir.

Q She lived over there until a few years before the Kern-clinton commission? A No, sir, she hasn't been living there ever since, of course her husband wouldn't allow her to come back, and as quick as he was dead, she came back.

Q How much are you charging this woman for testifying for her? anything? A No, not charging her a cent.

Q You charge any of these people anything to testify for them?

A Some of them I do, of course they have got to pay me while I stay here.

Q What is the most you ever charged any of them to testify for them? A I don't know, I can't say, sometimes three or four dollars.

Q How long did you live with her down in the lower part of the Cherokee Nation? A Down this side of Fort Smith, I didn't stay there long, I don't know, I came there along the spring and stayed there along in the summer, and I came on up here.

Q Who did you leave with her? A Nobody but her children.

Q Living in a house? A Yes, sir.

Q On whose place? A It was on nobody's place, it was on an old waste place we had come on to.

Q Made a crop, didn't you? A No, sir.

Q What did you do around there? A Just what I could work around and get.

Q Who did you work for around there? A I don't know the man's name, I worked a little in town, I worked a little around in town, I don't know who I worked for, I don't know the man's name.

Q Well, when did you see her next? A She came up to Tahlequah, she came here.

Q You run off and left her down there? A Yes, sir, I came off and left her down there.

WILLIAM L. LAMBERT, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Lambert.

Q How old are you? A 33.

Q What is your birthplace? A Tahlequah.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Mr. Squibb: Mr. Lambert, do you know Mrs. Tucker West? A Yes, sir.

Q Was she a slave? A I can't tell you that.

Q Do you think that year she returned from the south after the war?

A Not exactly I can't, I can tell you about what time I seen her.

Q When did you see her after the war? A In the beginning of the war lived at Fort Gibson, and in '87 we lived out in Four Mile Branch, which is called Four Mile Branch east of Fort Gibson, shortly after that time is when I saw her.

Mr. Hastings: You know where she has lived since that time? A I know several different places, she lived at what is called Park Hill some time.

Q Where else? A Well, I said I don't know, I don't know all them, she lived on the river ever here on Canadian or some place, in the Creek Nation somewhere.

Q How many years has she been here? A No, sir.

Commissioner: What time is '87 did you see this woman? A It was in '87, that was in the Four Mile Branch, it was after that I got acquainted with her.

Q What time of the year, do you recollect? A No, sir, my recollection, it was the spring of summer.
 Q Or fall? A I think it was in the summer.
 Q You think it was after the first of January? A No, sir, it was in '87 when we went out there, and after that I saw this woman.
 Q What time in '87 did you go out there? A We went out there in the summer.

Mr. Sequoia: I wish to explain for her that she is very humble in her circumstances, and we have witnesses in Muskogee we wish to introduce, who live there, Mrs. Finley and Mr. West.

Commissioner: Sidney West applies for the enrollment of herself. Her name is not found upon any of the rolls of the Cherokee Nation. As to her residence and citizenship, reference is made to the testimony. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting the further consideration of the Commission. She will be notified by mail of the decision of the Commission when arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 18th of August, 1901.

[Signature]

Commissioner.

File with Cherokee Freedman, B-680, *Lucie Webber*

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8th, 1901.

In the matter of the application of Robert Webber for the enrollment of himself and wife as Cherokee Freedmen; said Webber being sworn and examined by Commissioner C. R. Brodwinridge, testified as follows:

Appearances:

Messrs. Mellette & Smith for Applicants.

Mr. J. S. Davenport for Cherokee Nation.

- Q Give me your name? A Robert Webber.
- Q How old are you? A About 65.
- Q What is your postoffice? A Hayden.
- Q In what district do you live? A I live in Cooweescoowee District.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to apply for anybody besides yourself? A My wife.
- Q Is that all? A My children.
- Q How many children? A Four.
- Q You have got four children that are under 21? A No, they are all married.
- Q Then it is just you and your wife? A Yes, sir.
- Q How long have you lived in the Cherokee Nation? A I have lived here all my life, born here.
- Q Were you out during the war? A Yes, sir.
- Q What time did you come back? A I come back in '68.
- Q Have you lived here ever since you got back in 1868? A Yes sir.
- Q Were you the slave of a Cherokee citizen when the war broke out?
- A Yes, sir, I was the slave of old Akey Webber.
- Q Was she a recognized citizen of the Cherokee Nation?
- A Yes, sir, full blooded Indian.
- Q What time did you come back in 1868? A Along in the summer.
- Q To what point did you come? A I come on the Barren Fork in Tahlequah District.
- Q You came right to Barren Fork? A Yes, sir.
- Q Give me the name of your wife? A Margaret.
- Q How old is your wife? A She is about 66.
- Q When did you marry her? A In time of the war.
- Q Was she a slave of a Cherokee citizen when the war broke out?
- A Yes, sir.
- Q Whom did she belong to? A John Gutter's mother.
- Q What was her name? A Nancy Ward.
- Q Was she a well known and recognized citizen of the Cherokee Nation? A Yes, sir, I guess so, she always drew money with them.
- Q Did this woman, Margaret, go with you to Kansas? A No, sir, we was in Texas together.
- Q You didn't go to Kansas? A No, sir.
- Q She went with you? A That is where I found her when I got her.
- Q You married her down there? A Yes, sir.
- Q Was she there with a Cherokee by blood? A Yes, sir.
- Q Did the Wards have her there? A Yes, sir.
- Q Did she come back with you? A Yes, sir, I brought her back.
- Q Has she lived in the Cherokee Nation ever since? A Yes, sir.
- The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
- The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
- The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
- Page 180, #4430, Robert Webber, Cooweescoowee District.
- Page 175, #4266, Margaret Webber, Cooweescoowee District.

Q Now, how does it happen that neither you nor your wife is on the roll of 1880? A Well, I guess they just didn't want to put it on there.

Q What reason did they give? A Didn't give any reason.

Q Did you talk to them about it when they come around? A Yes sir.

Q What did they say? A Didn't say anything, said they would put it down.

Q Did they tell you it was all right or they didn't know?

A They didn't know; wasn't but one man told me it was all right and that was Rufus Ross.

Q Did you ever go to Tahlequah and see about having your rights recognized? A Yes, sir.

Q When did you go? A When John Chambers was Judge.

Q Did you attend his court? A Yes, sir, he sent a summon for me.

Q Did you have proceedings there before his court? A Yes, sir.

Q And what was the result of the proceedings? A He put me off for two or three weeks.

Q And then what did they do? A When I went back they had done tried me and put me on the doubtful roll and I said it was a poor way to try a man and him absent.

Q Did they question you when you first went there? A No, he just talked some when I went there and told me all he wanted was good evidence.

Q Did he examine any witnesses? A No, sir.

Q Did he ask you about when you come back and all about it?

A Yes, sir.

Q Asked you all about it at that time? A Yes, sir.

Q He took your own evidence? A Yes, sir; I got to the door and he got to talking Cherokee to me and we stood there talking Cherokee a long time and he said we will put it off for two weeks and I returned inside of two weeks.

Q Did you take any witnesses? A Yes, sir, they are dead now.

Q Did you take them back in that two weeks? A No, sir, they lived down there.

Q Did they live at Tahlequah? A Yes, sir.

Q You had them there at the end of two weeks did you? A Yes, sir.

My Mr. Mellotte:

Q Who did you come back with? A I come with a fellow by the name of Web Grittendon.

Q Where is the first point you struck in the Cherokee Nation when you came here? A The first point I struck was on the Illinois River by Mr. Musgrove's; I come down the big road, down Lindsey's prairie.

Q Where did you come from? A I come from Caldine Gunter's.

Q In what State? A That was in Arkansas he lives, I moved him there.

By Commissioner Beckinridge:

Q You moved him from where? A From Texas.

Q How long did you stay at Caldine Gunter's? A I stayed there that winter, in '65, and in '66 I left them, told mother there was a limit and I had better get back.

Q Is that up in Washington County, Arkansas? A Benton County I think.

Q Did you stay there as much as a year? A No, sir.

Q What time of the year was it you got there? A In the winter.

Q And what time did you leave? A I left in the spring.

Q The following spring? A Yes, sir, the following spring.

Q You came to Gunter's from Texas? A Yes, sir.

Q About what time in the winter? A I don't know just exactly.

Q Well about how long after Christmas? A Oh, I guess it must have been a week or two after Christmas.

Q How did you happen to leave Texas and go up to Gunter's?

A He was coming back and he said he would bring me back.

Q Was the war over? A Yes, sir, peace was declared in '65, I drove teams for him.

Q Had Gunter been in the Confederate army? A No, sir, he hadn't been in any army at all; he stayed with his family.

Q There was no fighting when you came back? A No, sir, the war was ended but it was little kinda squally times yet.

Q Who came with you and the Gunters? A Fellow by the name of Crittendon.

Q How long had the war been over when you went to Gunters?

A Peace was declared in '65; I was with Gunter there in Texas when peace was declared, we started back home that same summer.

Q Have you lived in the Cherokee Nation ever since you came to it from Gunter's in Arkansas? A Yes, sir.

Q Was your wife with you at Gunter's? A Yes, sir.

Q Did she come with you from Gunter's to the Cherokee Nation?

A Yes, sir, I moved her down from Gunter's to the Cherokee Nation.

By Mr. Davenport:

Q Now, Robert, did you belong to Caldine Gunter at the breaking out of the war? A Yes, sir.

Q You belonged to whom? A Old Akey Webber.

Q Where were you living with reference to Caldine Gunter and family when the war broke out? A I was living down here by Tahlequah.

Q How far from Gunter's? A About 35 or 40 miles.

Q They were living at what is known as Siloam Springs? A Yes, sir.

Q You went south to Texas during the war? A Yes, sir.

Q And you came back to Arkansas with Caldine Gunter and his family?

A Yes, sir.

Q Do you remember the names of Caldine Gunter's children that were living then? A Yes, sir, I know part of them, John T. Gunter.

Q He lives here at Vinita? A Yes, sir.

Q Do you remember his oldest daughter's name? A Ann Eliza.

Q Mrs. Doctor Fortner at Vinita? A Yes, sir, and Eliza was out cow driver.

Q When you applied to the Chambers Court in 1871 to be admitted, you were decided against, of course, you had returned too late?

A That is what they said.

Q Now, when you came back to the Nation whose farm did you come to first? A I went to the old Roach farm on Barren Fork, the George Roach's farm.

Q He was living there? A Yes, sir.

Q He is now living down in there? A Yes, sir.

Q He would know when you got back? A Yes, sir, he ought to know I made a crop there.

Q In giving your testimony before you didn't state that you returned to Caldine Gunter's in 1868? A No, sir, I didn't.

Q How long did you live on the Roach place on Illinois river in that country there? A I lived down in that country four or five years.

Q Who else of the Cherokee families were living there when you returned to the Roach place? A Nan Roach and John Roach and Sallis.

Q Were there any other Cherokee families there other than the Roach family? A Aaron Crittendon.

Q How far is this Roach place from Tahlequah? A Ten miles.

By Com'r Breckinridge:

Q Where was Caldine Gunter living when the war broke out?

A He was living there where I left him I guess.

Q At Siloam Springs, Arkansas? A Yes, sir.

Q Was your wife living with him? A I guess so, I didn't know anything about her when they were living there.

Q You met her in Texas? A Yes, sir.

Q Well, was she living with Caldine Gunter in Texas? A Yes, sir.

Q And she belonged to Caldine Gunter at the time she went back with Caldine Gunter to his house? A Yes, sir, she was in the family.

Q Now, you and your wife have a lot of children? A Yes, sir.

Q They are of age? A Yes, sir.

Q They may need to claim in your case so I will take their names now; give me their names? A Frank Webber.

Q How old is Frank? A About 37.

Q And then the next child? A Katie but then she went in with her husband.

Q She is with her husband? A Yes, sir.

Q What is her present name? A She is a Manley now.

Q Has she already applied? A Yes, sir.

Q Now the next child? A Josh.

Q How old is Josh.

Q How old is Josh? A 35.

Q Now the next child? A Sam.

Q How old is Sam.

Q Now, the next child? A Ella, you get her down with her old man, Ella Wright.

Q Has she applied yet? A Yes, sir, told me to speak to you about it; she was down with him, Walter Wright, I guess he put his name down.

Q What is the name of Katie's husband? A Jos Manley.

Q Which one comes next to Ella? A That is all.

LOUIS D. DANIELS, being sworn and examined by Commissioner O. R. Breckinridge, testified as follows:

Q Give me your name? A Louis D. Daniels: age 56; postoffice, Claremore.

Q How long have you lived in the Cherokee Nation? A All my life, sir.

Q Are you on the 1880 roll? A Yes, sir.

Q Do you know this applicant here? A Yes, sir.

Q Did you know him before the war? A No, sir, I got acquainted with him after the surrender.

Q Where did you first meet him after the surrender? A In Fort Gibson, sir.

Q When was that you met him in Fort Gibson? A That was in the summer of '65.

Q That was the first time you met him was it? A For me to know him.

Q What were the circumstances of your meeting, were you acquainted with him? A There were eight or ten of us going to go out and hunt some meat and kill some beaves, we was allowed to kill beaves by going to see the Chief and getting a permit, and we come up to Grand river and got an order from Chief Downing to kill some beaves and Bob was in the crowd with me.

Q This man, Bob? A Yes, sir, there were several of us, there is six living now.

Q Did he go with you to kill the beaves? A Yes, sir.

Q And you remember of his being in that party? A Yes, sir, and every man remembers it that is living.

Q Were there any other times that you have met him? A Yes sir, I have met him since that; after he left Fort Gibson I don't know exactly what time I met him in '68 on Barren Fork; I was going by there to buy some hogs and I stayed all night with him in the Cherokee Nation, about 15 miles the other side of Tahlequah.

Q Where was he living when you met him in Fort Gibson? A He was staying with his brother, I guess, I didn't ask him.

Q Where was his brother living? A Right in Fort Gibson, Dude Webber.

By Mr. Davenport:

Q Now, Louis, the first time you remember seeing Bob here in the Cherokee Nation from the time you want to get an order from Louis Downing to kill some beaves - ? A I may have seen him before that, but I didn't know it was Bob Webber.

ROBERT WEBBER, the applicant, recalled: By Com'r Breckinridge.
 Q These children you have named are five children are they all the children of your wife, Margaret? A Yes, sir.
 Q Were you ever married before you married Margaret? A Yes, sir.
 Q Paul in old slavery times? A Yes, sir.
 Q Was your wife dead? A No, sir, but we are parted, she is right down here now.
 Q Your wife, Margaret, had she been married before? A Yes, sir.
 Q Had she been parted by the war? A Yes, sir.

FRANK ROSS, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Frank Ross.
 Q How old are you? A 53.
 Q What is your profession? A Haymaker.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Are you on the roll of 1880? A Yes, sir.
 Q Were you a slave in the Cherokee Nation when the war came on?
 A Yes, sir.
 Q Did you know this applicant here, Robert Webber, before the war?
 A No, sir.
 Q Did you meet him after the war? A Yes, sir.
 Q Where and when did you first meet him after the war?
 A Met him down here on Pryors Creek.
 Q What was he doing down there? A Hunting beeves, cattle.
 Q When was that? A In '86, in August.
 Q Who were with you? A Louis Daniels and Fuzz Rogers and Dude Webber and George Ross, that is all I saw; I didn't go down to the camp, I met them out on the prairie.
 Q Did you hunt with them? A No, sir, I had been hunting, I was going on home when I met him.
 Q Have you seen much of him from that time on? A Yes, sir, I have seen him off and on ever since that time.
 Q Has he always continued to live in the Cherokee Nation?
 A Yes, sir.
 E Mr. Davenport:
 Q You didn't leave the Nation did you, Frank, during the war?
 A I was out about eight months altogether.
 Q When did you return? A '86.
 Q What time of the year? A In March.
 Q Where were you living at the time the treaty was made?
 A I lived down here on Pryors Creek.
 Q What place? A Down there, this side of where the railroad crosses.
 Q Was there anyone living there at that time? A My own lived there, my father and mother.
 Q Wasn't any improvements there on the farm? A None except what we put there.
 Q When did you put them there? A We moved up there in the fall of '86, we moved from the Hides place to Pryors Creek.
 Q You moved up there in the fall of '86? A Yes, sir.
 Q There were not any improvements there when you moved there?
 A No, sir, I was hunting beeves.
 Q You had got an order from the Chief to hunt beeves? A I lived right there by the Chief.
 Q What Chief? A Downing.
 Q That was in August, 1886? A Yes, sir.
 Q What time in August, '86? A About the first of August.
 Q Then did Louis Downing become Chief? A He was only acting chief then, he run the next coming year, because I voted for him; didn't vote for him either, voted for Bill Ross.
 Q You remember distinctly it was in 1886? A Yes, sir.
 Q Where was Robert Webber living then? A I don't know, he come from down below there.

Q You never asked him any questions about that? A No, sir, I knew Louis Daniels and all of them and I knew George Ross because we was raised together.

Q That is the George Ross that lives down here about Claremore?
A Yes, sir.

SAM WEBBER, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Your name is Sam Webber is it? A Yes, sir.

Q How old are you? A About 58.

Q What is your postoffice? A Nowata.

Q How long have you lived in the Cherokee Nation? A I was born here and raised here and come back in '66 here.

Q Are you on the 1880 roll? A Yes, sir.

Q Were you a slave in the Cherokee Nation when the war broke out?
A Yes, sir.

Q Did you know this man, Robert Webber before the war broke out?
A Yes, sir.

Q To whom did he belong? A Akey Webber, some woman I belonged to...

Q She was a recognized Cherokee citizen was she? A Yes, sir; talked all Cherokee, could not talk any English.

Q Did this man go out with you when the war came up?

A No, sir, I found him with the Pin Indians. When they pulled up and went north I found him with them when they went there.

Q Where was that? A That was somewhere near on the line, Arkansas line, where I found him when I went to him.

Q When was that? A That was ~~somewhere~~ along sometime near the war commenced.

Q He was with the Pins? A Yes, sir, when I seen him.

Q What did you see of him after that? A He was taken prisoner and was taken off and I didn't see him any more; his wife come to Kansas and said they come and got him at their house one night and I never seen him any more.

Q His wife came to your house? A Come to the soldiers' quarters.

Q Who did she say took him? A The Bushwhackers.

Q And they took him north? A No, sir, taken him south what she said.

Q And you don't know what they did with him down there? A No sir.

Q When did you see him after the war? A I seen him here along after the war when I lived up here he come up to see us.

Q That was two or three years after you got back? A Yes, sir.

Q When did you get back? A '86.

Q And that was '86 or '87? A Yes, sir, somewhere along there.

By Mr. Davenport:

Q Sam, what became of Bob's wife after she came in to the soldiers' camp? A She stayed there and went to Bigsaw.

Q Where were you camped at that time? A Over there about, I can't think of the name of the place, over here in Arkansas.

Q Now, what year was that? A That was along, the war run a little while.

Q Fighting was going on then? A Yes, sir.

ROBERT WEBBER, the applicant, recalled, By Com'r Breckinridge:

Q What is this about your being with the Pin Indians? A I was a soldier.

Q Soldier in the army? A Yes, sir.

Q And you were captured were you? A Yes, sir.

Q And what did they do with you? A They took me to Texas.

Q You didn't go down to Texas with your mistress, Akey Webber?

A No, sir, she was dead.

Q When did she die? A She died in '81.

Q She did you belong to after your mistress died? A I belonged to nobody, you see she died in '81 and I was still on the place.

Q You don't know who claimed you at that time? A No, sir.

Q Who had charge of the place? A Her son, Robin Webber.

Q Well, did you recognize his authority? A Oh, yes.

Q Well then when they took you down to Texas what did you do?

A I drove teams.

Q For whom? A The Southern Government.

Q Did you find this woman down there? A Yes, sir.

Q Did you find any of your people down there?

A Found Charley Webber, son of Akey.

Q Were you hired out to the Southern Government? A Yes, sir.

Q Who did the hire? A Charley Webber I suppose.

Q What did you have to do with Webber at that time?

A They took me there and hauled and he was working for the Government.

Q What did this young Webber have to do with it? A The war was nearly over and he said I could just stay there.

Q Was he living in Gunter's neighborhood? A No, sir, he heard of me later and come over after me.

Q That you married this woman that belonged to Gunter? A Yes, sir.

Q This woman Margaret? A Yes, sir.

Q And went on up to Gunter in Benton County? A Yes, sir.

Q Now, when you first came back from Texas you went to Benton County? A Yes, sir.

Q And then from Benton County where did you go? A To the Cherokee Nation.

Q Whereabouts? A On the Barren Fork.

Q How far to the mouth of Barren Fork? A It must be about ten or 12 miles above.

Q Well how long after you got there to Barren Fork was it before you ever had an occasion to go down to Fort Gibson?

A I don't know, sir, how long I stayed at Barren Fork before I went to Fort Gibson.

Q What neighbors did you have down there? A Dugg Gunter and Wooten Looney.

Q Is that the time you got with Louis Daniels? A Yes, sir.

Q Did you go on that cattle hunt with them? A Yes, sir.

Q After that where did you go? A I went back to Barren Fork.

Q How long did you live there? A About four years.

By Mr. Davenport:

Q Bob, in giving your testimony a while ago how did it happen that you didn't say anything about being taken by the soldiers north?

A You asked me how I got down there as I know of.

Q Didn't I ask you if you didn't go down there with Caldine Gunter and family? A Yes, sir.

Q Didn't you tell me on cross-examination that you had married this girl before you went south? A No, sir.

Q And didn't you tell me that you lived; that Gunter lived about 55 or 60 miles from where Webbers lived and that Gunter lived in Arkansas and that you lived in Tahlequah? A Yes, sir.

Q How many children has your wife got? A Two, sir.

Q How old is your oldest child? A 31.

Q What time did you go to Texas when the soldiers took you there?

A I don't know.

Q When did you and your wife marry? A Shortly after we got there.

Q How about the war, was it over? A No, sir, the war was going on.

By Com'r Breckinridge:

Q Who was Caldine Gunter's wife? A She was a Ward.

Q Was she a Cherokee? A Yes, sir.

Q Was Gunter himself a Cherokee? A No, sir.

Q Where is Nancy Gunter living now? A She is living here.

Q Where? A In Benton County.

Q Has she lived there ever since the war? A I guess so.

Q You never heard of her coming back?

A No, sir, I never heard of her since.

Com'r Breckinridge: The applicant applies for the enrollment of himself and wife. The applicant is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1888. It appears that he was a slave of a Cherokee citizen in the Cherokee Nation at the breaking out of the Civil War. He was taken to the State of Texas and it is quite satisfactorily established that he returned to the Cherokee Nation in the year 1866, and that he has lived in the Cherokee Nation ever since. He states that he applied to the ~~Sauk~~ ~~Cherokee~~ ~~Nation~~ ~~Court~~ ~~and~~ ~~at~~ ~~one~~ ~~part~~ ~~of~~ ~~his~~ ~~testimony~~ ~~he~~ ~~said~~ ~~that~~ ~~they~~ ~~deferred~~ ~~his~~ ~~case~~ ~~and~~ ~~decided~~ ~~in~~ ~~his~~ ~~absence~~ ~~and~~ ~~in~~ ~~another~~ ~~part~~ ~~of~~ ~~his~~ ~~testimony~~ ~~he~~ ~~said~~ ~~that~~ ~~he~~ ~~was~~ ~~told~~ ~~by~~ ~~the~~ ~~Court~~ ~~that~~ ~~he~~ ~~was~~ ~~rejected~~ ~~at~~ ~~that~~ ~~time~~ ~~because~~ ~~he~~ ~~had~~ ~~returned~~ ~~too~~ ~~late~~ ~~after~~ ~~the~~ ~~war~~. By this as it may the present testimony given by witnesses who are considered credible indicates that he did return within the time required by the treaty of 1866 and is not valid objection to be made at this time to his enrollment, but inasmuch as he was omitted from the roll of 1880 and for the further consideration by the full Commission of the conditions stated, he will at present be listed for enrollment as a Cherokee Freedman on a Doubtful card and the final decision of the Commission will be made known to him at his postoffice address.

As for his wife; she is identified on the Kern-Clifton roll, and her Mistress, Nancy Ward, is appears was a Cherokee woman prior to the war she was married to one Galdine Sumier who lived in Benton County, Arkansas, and she was there residing with her husband, and the applicant's wife was living with them in the State of Arkansas prior to the breaking out of the Civil War. She was taken to the State of Texas where she met the applicant and they were married and after the war she returned to Benton County, Arkansas, her husband going with her, and he alleges that prior to the time he has been shown to have been at Fort Gibson in the year 1866, he had brought his wife to the Garretts Fork of the Illinois River in the Cherokee Nation and that they had there located.

Q Has your wife lived in the Cherokee Nation ever since you brought her after the war? A Yes, sir.

The weight of the testimony at present is that his wife by reason of the change of ownership that she underwent prior to the war and that was maintained in her case during the war, was not in a position to avail herself of the rights of Freedmen arising under the treaty of 1866. It may be, but it is not established, that Sumier and his wife were subsequently readmitted to Cherokee citizenship, but a decided weight of the testimony is that the wife of Galdine Sumier never resumed citizenship in the Cherokee Nation after taking up her residence in the State of Arkansas under the Civil War. Therefore, under these conditions there appears at present really no valid reason to justify the enrollment of the applicant's wife, Margaret, but for the further consideration of her case, as stated, she will not be listed for enrollment as a Cherokee Freedman on a doubtful card, but the applicant has five children enumerated in the testimony all of whom have now reached their majority and whose rights should be decided early upon the status of the applicant and his wife. Now, it seems from the testimony that both the applicant and his wife were married previous to their marriage but that he was separated by the war and under the operation of the treaty

tation of slavery from his wife, and she was similarly separated from her first husband and that under those conditions they contracted marriage in the State of Texas while the war was going on. It is not considered that the strict meaning of the laws of marriage are applicable to people as the applicant and his wife at that time, and it is believed at present that the marriage contracted by him and his wife, Margaret, during the war and maintained continuously from that time until now is a valid marriage, and that these children should be considered the lawful children of the applicant and his wife and that they should enjoy, in the absence of any testimony to the contrary, all the rights that may be finally established for the applicant himself.

SUPPLEMENTAL INTERROGATORIES by Com'r Breckinridge: The APPLICANT recalled:

Q Are these children all the children of your wife, Margaret?

A Yes, sir.

Q How many of them were born in Texas, any of them? A The eldest one was born in Texas before we left.

Q Frank? A Yes, sir.

Q And then Frank is older than you think he is? A That is what I call him, what I think he is.

Q But he was born in Texas? A Yes, sir.

Q Did Frank come with you and your wife? A Yes, sir.

Q Come with you over to Barren Fork? A Yes, sir.

Q Now, these other children were they all born in the Cherokee Nation? A Yes, sir.

Q Have they always lived in the Cherokee Nation? A Yes, sir.

Mr. Davenport: The representatives of the Cherokee Nation protest against the enrollment of his wife, Margaret, for the reason that Cherokee card #423 gives the testimony of Nancy Gunter in full, who was alleged to have been the owner of the wife of the applicant at the time the war broke out, which testimony shows the continuous residence of Nancy Gunter in the State of Arkansas for years up to and including the date of the giving of the testimony which was on the 25th day of September, 1900.

J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Reason

Subscribed and sworn to before me this 21st day of June, 1901.

Signed, T. B. Needles,

Commissioner.

Supplemental: Cherokee Freedman Doubtful \$50.

Department of the Interior,
Commission to the Five Civilized Tribes,
Oholassa, T.T., June 11, 1901.

In the matter of the application of Robert Webber for the enrollment of himself as a Cherokee Freedman: being sworn and examined by Commissioner Breckinridge, he testified as follows:

Mr. Webster of Hallett & Smith, for applicants:

Mr. Hastings, for the Cherokee Nation.

- Q Give me your name, please? A Akey Webber.
- Q How old are you? A 55.
- Q Are you the husband of Margaret Webber? A Yes sir.
- Q You applied here a few days ago? A Yes sir.
- By Mr. Hastings:
- Q What did you give as your own name? A Old Akey Webber.
- Q Did you belong to Akey Webber at the time the war came up?
- A Yes sir.
- Q You know Jim Little at Vinita? A Yes sir.
- Q Did you know him before the war? A No sir.
- Q Did you know his father, Daniel Little before the war? A No sir.
- Q When did you become acquainted with Daniel Little? A After I was taken prisoner.
- Q Who brought you back to this country? A I came with Mr. Gunter, as far as this place.
- Mr. Mellette:
- Q What Gunter was that? A Galdeen Gunter.
- By Mr. Hastings:
- Q Where did Galdeen Gunter live? A He lived up there at Siloam Springs, I guess that's the place.
- A Arkansas? A Yes sir.
- Q You never belonged to Daniel Little before the war? A No sir.
- Q You never returned with him after the war? A No sir.
- Q Did you ever work for him? A I worked for him a little while.
- Q Before or after the war? A After the war.
- Q How long after the war? A In the spring of '68.
- Q Jim Little was at home at that time? A Yes sir.
- Q And he knows about it? A Yes sir.
- By Mr. Mellette:
- Q How close to the line did you come with old man Gunter? A It couldn't have been more than a mile, I guess from his house to the line.
- Q Siloam Springs is right on the Cherokee line? A Yes sir.
- Q Is Galdeen Gunter the father of John Gunter here at Vinita?
- A Yes sir.
- Q John Gunter is a recognized citizen of the Cherokee Nation?
- A Yes sir. They says they has recognized him. He told me he was admitted too, and one of his sisters.
- By Mr. Hastings:
- Q Was admitted? A Yes, sir, at this court.

John R. Brockmeyer: This will be added as additional testimony to previous testimony, card 530.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,
Subscribed and sworn to before me this June 20, 1901.
Signed, T. B. Needles,
Commissioner.

Brace G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Sworn to and subscribed before me this 21st day of June, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Susie Webber for the enrollment of herself, and two children as Cherokee Freedman, and for the enrollment of her husband as a Cherokee Freedman by inter-marriage.

Susie Webber, being duly sworn and examined by Commissioner Brackinridge, testified as follows:

- Q Give me your name? A Susie Webber.
- Q How old are you? A 31.
- Q What is your post office? A Hayden.
- Q In what district do you live? A Cooweescoowee district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Do you want to apply for anybody besides yourself? A Two children and my husband.
- Q How long have you lived in the Cherokee Nation? A Why I can't exactly tell you how long I have lived in the Cherokee Nation.
- Q Were you born in the Cherokee Nation? A Yes, sir.
- Q Are you living in the Cherokee Nation at this time? A Yes, sir.
- Q How long have you been living in the Cherokee Nation down to the present time? A Why I guess I have been living in the Cherokee Nation for about, that is here, I have been living here —
- Q How long at Hayden? A I have been living at Hayden now going on five years.
- Q Where did you live before that? A Where I came from when I came to Lightening, why I came from Four Mile Branch.
- Q That in the Cherokee Nation? A Yes, sir.
- Q Where did you live before that? A We lived in the Creek Nation before that, we lived there about two years with my mother, of course I was little and had to go with her.
- Q That at Muskogee? A Yes, sir.
- Q You ever live in Kansas or Texas? A No, sir, never in my life.
- Q Or Arkansas? A No, sir.
- Q Have you ever lived anywhere else except in the Cherokee Nation and the Creek Nation? A No, sir, never did.
- Q How much time have you spent in the Creek Nation? A I really can't tell you how much I have spent in the Cherokee Nation.
- Q Ten years? A Yes, sir, probably that time.
- Q More than 11 years in the Creek Nation; how many years have you spent altogether in the Creek Nation? A About three years I expect, maybe not quite so much.
- Q Outside of that, you have lived altogether in the Cherokee Nation? A Yes, sir.
- Q Give me the name of your father? A Henry Smith.
- Q Is he alive? A I really can't tell you whether he is or not, but I think he is.
- Q Was he a Cherokee Freedman, or a state man? A Why I think he was a Cherokee Freedman.
- Q You don't know? A No, sir, don't know.
- Q Give me the name of your mother? A Sidney West.
- Q She is alive, is she? A Yes, sir.
- Q Didn't she marry some years ago a man named Scott? A Yes, sir.
- Q But she goes under the name of West now? A Yes, sir.
- Q She applied a few days ago? A Yes, sir.
- Q She is living at Muskogee now, isn't she? A No, sir.
- Q She has moved back in the Cherokee Nation? A Yes, sir.
- Q Are you a sister of Dick Chambers who applied just now? A Yes, sir.
- Q You are a half sister, aren't you? A Yes, sir, a half sister.
- Q You are both the children of Sidney West? A Yes, sir.
- Q And you get your claim through her? A Yes, sir.
- Q How many times have you been married? A Haven't never been

Susie Webber - 2.

married but, once.

Q Give me the name of your husband? A Frank Webber.

Q How old is he? A 37.

Q Where is he living? A Cooweescoowee district.

Q Out at Hayden? A Yes, sir.

Q Is he here with you? A Yes, sir, he is here with me, but then he is sick.

Q How long has he lived in the Cherokee Nation? A Why I expect he has lived in the Cherokee Nation all his life, I can't tell you.

Q You never heard of him living anywhere else? A No, sir.

Q Give me the name of his father? A Bob Webber.

Q Is he alive? A Yes, sir.

Q Give me the name of his mother? A Margaret Webber.

Q Is she alive? A Yes, sir.

Q Is Robert Webber a Cherokee Freedman? A Yes, sir.

Q Is Margaret Webber a Cherokee Freedman? A Yes, sir.

Q Have they both applied? A Bob Webber has, his wife hasn't yet.

Q When were you and your husband married? A Married in 1897.

Q Have you a certificate of marriage? A No, sir, I haven't.

Q How many times has he been married? A Why I think he has been married twice only, if I mistake not.

Q Only once before he married you? A Yes, sir.

Commissioner: Robert and Margaret Webber are on Cherokee Freedman D-630.

Q Who was your husband's first wife? A Paulina, that is the name I knew her by, Paulina Sanders.

Q Is she alive? A Yes, sir.

Q Did he ever get a divorce from her? A Yes, sir.

Q Have you got a copy of that decree of divorce? A I don't know sir whether he has or not.

Q Well then after a while he married you? A Yes, sir.

Q You haven't got a certificate of your marriage? A No, sir.

Q Is there somebody here who knows that you and your husband have lived together as husband and wife? A Yes, sir.

Sidney West, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A Sidney West.

Q How old are you? A As well as I can tell you, I guess about something over 38.

Q What is your post office? A Hayden.

Q Is this your daughter here? A Yes, sir, that is my baby.

Q Is she married? A Yes, sir.

Q What is the name of her husband? A Frank Webber.

Q About how long has she been married to Frank Webber? A Some three or four years.

Q Has she two children by that marriage? A Yes, sir.

Q They are living now are they? A Yes, sir.

Q They are living together now are they as husband and wife?

A Yes, sir.

Q And have lived ever since their marriage? A Yes, sir.

Susie Webber, recalled, testified:

Q Give me the names of your children? A Julia Webber.

Q How old is Julia? A She is 3 years old.

Q The next child? A Samuel Webber.

Q How old is Samuel? A One year and five months.

Q These children are both living now are they? A Yes, sir.

The 1890 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1890 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Susie Webber - 3.

Q Did you draw strip money? A No, sir, I didn't.

Q Did your husband draw strip money? A Yes, sir.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Susie Webber not on said roll;

Frank Webber on page 180, No. 4488, Cowessacoos district.

Q Are you on the Wallace roll? A No, sir, I don't think I am.

The Wallace roll examined and the applicant, Susie Webber, not identified thereon.

Commissioner: The applicant applies for the enrollment of herself, her husband and two children. The applicant is not identified on any roll. She is 31 years of age. It appears that she has lived in the Cherokee Nation all her life except a few years in the Creek Nation, and her change of name by marriage is established in a satisfactory manner. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further evidence in her case, there will be filed herewith the testimony taken in the case of her mother, Sidney West, through whom alone she claims to have a claim of her own right, which is Cherokee Freedman doubtful case D-534. In addition to the claim that the applicant may have through her mother, there is a possible claim by marriage through her husband. It appears that the applicant was never married except to her present husband. In regard to the status of her husband in this respect, it appears that he was married once prior to his marriage to the applicant, and no evidence of divorce from his first wife, who is said to be still living, is produced at this time. Therefore, if the applicant has occasion to look to this source for enrollment, the status of her husband in this particular will have to be established, in addition to his own right as a Cherokee Freedman. In regard to his right in the latter particular, he is identified on the Kern-Clifton roll; the applicant thinks that he has lived in the Cherokee Nation all his life. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for fuller evidence in his case, there will be filed herewith a copy of the testimony in Cherokee Freedman Doubtful case D-530, the same being the case of his mother and father, Robert and Margaret Webber.

As for the two children for whom application is now made, Julia and Samuel Webber, they are too young to be on any roll. The applicant is desired to file with the Commission proper certificates of their births, and these two children will be listed for enrollment on a doubtful card, to await the determination of the status of their mother, and that if she be not properly established as a Cherokee Freedman of her own right, then the determination of their right through their father, provided it be established that his marriage to this applicant was of such a character as to convey rights to them, should he be found to possess them, and the mother be shown not to possess rights herself. The final decision of the Commission with reference to this case will be made known to the applicant at her post office address.

Byes C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 24th day of June, 1901.

Byes C. Jones
[Signature]

Commissioner

NOTICE!

IN THE MATTER OF the application of Frank Webber
for enrollment as Cherokee citizens:

Case No. D 680

To Frank Webber or J. R. Jaquitha Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Yonkers Indian Territory, on ~~Sept~~ Oct. 14th 1901 at 8 o'clock or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 23 1901

L. B. Bell
W. W. Haskins
Attorneys for the Cherokee Nation.

File with case of Frank Webber, et al., C.F.-D.#680.

Supl.C.F.-D.#664

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SIDNEY WEST as a Cherokee Freedman, introduced on the part of
Applicant:

APPEARANCES:

Mr. J. R. Sequichie, Agent for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

JOHN C. WEST, being duly sworn by Commissioner Needles,
testified as follows on behalf of Applicant:

MR. SEQUICHIE: What is your name? A John C. West.

Q Post office? A Kuskogee.

Q Your age? A 59.

Q Mr. West, do you know a Cherokee Freedman, applicant, by the name
of Sidney West? A Yes, sir.

Q Did she belong to you or your family some way? A Yes, sir,
she belonged to father.

Q Do you remember what time, whether before the war or after the
war, she left the Cherokee Nation? A She left the Cherokee Nation
in about '63.

Q You remember what year she came back? A No, sir.

Q Did you ever hear of her any more after she left here?

[Question objected to by Mr. Hastings.]

Q Do you know when she came back to the Cherokee Nation?

A No, sir, I don't.

Q Did you see her at any time while she was away? A Yes, she
was with the family.

Q Where? A From '63 until about '66 I guess.

Q Where was that? A Down in the Chickasaw and Choctaw Nation,
down on Red river.

Q In the Indian Territory? A Yes, sir.

Q Is about what year was she in the family? A As well as I remember
her about '66.

Q Do you know where she went then? A No, sir, I don't.

Q Did you ever see her in the Cherokee Nation after that?

A No, sir, I don't believe I ever did.

Q Never seen her? A No, sir.

MR. HASTINGS: Where do you live, in what district?

A Canadian.

Q How long have you lived there? A I have lived there since '60.

Q How wide across east and west is Canadian district? A I sup-
pose it is about 50 miles, east and west.

Q How far north and south? A About the same distance.

Q You have been sheriff of your district? A Yes, sir.

Q You have lived there ever since the war? A Yes, sir.

Q Been on the Police force? A Yes, sir.

COM'R NEEDLES: You say Sidney West during the war went to the
Chickasaw Nation? A Choctaw Nation, she went down there with the
family.

Q She didn't go any farther south than the Choctaw Nation?

A No, sir.

Q And the last you saw her was in the Choctaw Nation in '66?

A Yes, sir.

J. D. Bosson, being first duly sworn, stated that as stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

Supl. C. F. D. 7564

0. 1901
F.D. 100

Subscribed and sworn to before me this October 4th, 1901.



Commissioner

File with case of Frank Webber, et al., C.F.-D.#680.

Supl.C.F.-D.#630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 14th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER, et al., as Cherokee Freedmen, introduced on part
of Cherokee Nation.

APPEARANCES:

Mr. Smith of Counsel for applicants;

Mr. Davenport, of Counsel for Cherokee Nation.

ELIZA CHANDLER, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Eliza Chandler.

Q Where do you live, Mrs. Chandler? A In Vinita.

Q How old are you? A 54.

Q Where were you living at the breaking out of the war?

A Arkansas.

Q Did you leave the State of Arkansas during the war and your
family? A Yes, sir.

Q Your father, what was his first name? A Calhoun Gunter.

Q Did your father own any slaves at the breaking out of the war?

A Yes, sir.

Q Do you know whether or not he owned a woman by the name of Mar-
garet? A Yes, sir.

Q Do you know who she afterwards married and lived with as his
wife? A Yes, sir.

Q Whom did she live with Mrs. Chandler? A Bob Webster, he goes
by that name.

Q Do you know what became of Margaret during the war? A Yes, sir.

Q Where did she go? A We carried her to Texas with us.

Q Well, after the close of the war what became of her? A We
brought her back to Arkansas.

Q You got back to Arkansas in what year? A In '65.

Q How long did she live with you after you got back to Arkansas,
that is, did she live there at all? A She only stayed a little
while; they moved up on Butler's creek.

Q Butler's creek, Territory or Arkansas? A Arkansas, at Mr.
Tittles.

Q Do you know what Mr. Tittles first name was? A Dan.

Q Did you know Bob Webster before the war? A No, sir, I first
seen him in Texas.

Q And he came down there while you were in Texas? A Yes, sir.

Q Did he come back with you and your family? A Yes, sir.

Q Was he with Margaret when they moved up on Butler's creek in
Arkansas? A Yes, sir.

Q About what year was that they moved up on Butler's creek at Dan
Tittles in Arkansas? A It was in the winter of '62.

Q Now, Margaret as I understand was owned by your father at the
breaking out of the war? A Yes, sir.

Q You don't know of your own knowledge she owned Bob? A No, sir.

Q Was your father and your mother a citizen of the Cherokee Nation
at that time, or any of your family? A No, sir.

Q They weren't citizens when they returned from the south, were
they? A No, sir.

MR. SMITH: Mrs. Chandler, your mother was a Cherokee Indian,
was she not? A Yes, sir.

Q She was readmitted to citizenship here I understand you to say
here in another case? A Yes, sir.

Q Well, do you remember what month you returned to Arkansas in 1865? A I think it was in November, I won't be positive.
 Q Not sure? A No, sir.
 Q Well, none of your family owned Robert Webber? A No, sir.
 Q Did you know anything about him before the war? A No, sir, did not.
 Q You say after the war he was married to a woman named Margaret?
 A It was in time of the war that they came to our house in Texas.
 Q Well, then when you took Robert Webber and Margaret to Arkansas they were still husband and wife there, were they? A Yes, sir, after we come back.
 Q Now, you don't remember the month that they went up on this Butler creek, you are speaking about? A No, sir, they went that winter some time.
 Q You mean the winter in the year you returned? Yes, sir.
 Q That was in '66? A Yes.
 Q How far from that place where they went to from where you lived?
 A About 25 miles.
 Q How far did you live from the Cherokee Nation? A I guess it was about two miles and a half.
 Q Lived right on the line? A Yes, sir.
 Q You don't know of your own knowledge where Robert Webber was during the year 1866? A Well, he made a crop up there on Butler's creek and then he moved back that summer down to Pa's, and then he come down here in the Nation, or said he was coming and left his family there at our place until in the fall, and then he come back and moved them down in the Nation, I reckon. I have seen her here since I have been in the Nation.
 Q Well, at the time you came back with these people from Texas the war was over? A Yes, sir.
 Q They were free then? A Yes, sir.
 Q They could go wherever they wanted to? A Yes, sir.
 Q And they were only two miles and a half from where you lived to the Cherokee Nation line? A Yes, sir.
 Q Now, you can't state of your own knowledge either when Robert Webber or his wife first came into the Cherokee Nation after the war was over? A No, sir, I would not try to state.

JOHN L. GUNTER, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John L. Gunter.
 Q Where do you live, Mr. Gunter? A Live in Vinita, Indian Territory.
 Q How old are you? A 46.
 Q Where were you living at the time war broke out? A Living in Benton County, Arkansas.
 Q Your father's name was Caldwine Gunter? A Yes, sir.
 Q Did your father own a slave, a woman, at that time by the name of Margaret? A Yes, sir.
 Q Do you know whether or not she was married before the breaking out of the war? A Yes, sir, she had a man named Adam.
 Q What became of Margaret during the war, if you know, Mr. Gunter?
 A My father took her to Texas.
 Q How long did she stay there? A Until 1865 when we returned to Arkansas.
 Q Did you have her and the fellow by the name of Bob Webber?
 A Yes, sir.
 Q Did he and Margaret live together as man and wife? A Yes, sir.
 Q Where did you first see Webber? A Hopkins County, Texas.
 Q How long did he stay there? A He stayed there until '65, drove a team back for my father.
 Q To what point did you come? A Benton County, Arkansas.

Q Were your family citizens of the Cherokee Nation at that time?

A No, sir.

Q Were they citizens of the Cherokee Nation at the breaking out of the war? A No, sir.

Q Well, after they came back to Benton County, Arkansas, what became of Margaret and Bob, if you know? A They left my father's house and went to Dan Tittler near Sulphur Springs.

Q What place? A Benton County, Arkansas.

Q Do you know how long they stayed there? A They went there in the winter of '65 and stayed until the fall of '66, made a crop at Dan Tittler; I don't know whether they made a crop or not.

Q Well, what became of them then? A Along in the fall Bob came back to my father's and he and Uncle Dan had fell out and he wanted to move back and my father had a little old snake house and fixed that up for them and moved his family there, and stayed there that winter, he went away and was gone, quite a while. I don't know where he was, here in the Territory somewhere he said he was going.

Q That was the winter of '66? A Yes, sir.

Q What took place after that? A In the spring of '67, he moved his family here.

Q Do you know who Bob belonged to before the breaking out of the war? A No, sir.

Q You don't know anything about him, about as to who he belonged?

A Only what he told me, he said he belonged to the Webbers.

Q Margaret belonged to your father? A Yes, sir.

MR. SMITH: What Webber did he say he belonged to? A I don't know.

Q Was there an Akey Webber? A I don't know of her.

Q You weren't acquainted with her? A No, sir.

Q You weren't in the Cherokee Nation before the war? A No, sir.

Q Didn't live here? A No, sir.

Q Now, you say, Mr. Hunter, Bob Webber, this applicant moved his family into the Territory in the spring of '67? A Yes, sir, in the spring of '67.

Q Well, now, can you state the month? A No, sir, but it was some time early in the spring.

Q You can't be positive as to the month? A No, sir.

Q Was it as early as first of the year, '67? A No, sir, grass was up, cattle was grazing on the grass, and the reason I can remember it, my father made Margaret a present of a cow and a calf, and sent me out to drive her up and get her off of the grass, it was a young calf, he took them with him.

Q Robert Webber had made preparations to make to the Cherokee Nation before that? A I think he went to George Beach's on Barton Farm before that.

Q That was in the winter of '66? A Yes, sir, at least he was gone quite a while.

Q That is where he said he was going? A That is where he said he was going.

Q Well, your father and your mother and children were all admitted to citizenship here after the war? A Yes, sir.

Q That was in what year? A 1880.

Q This woman, Margaret, that used to belong to your father was this man's wife? A Yes, sir, lived with her.

Q This man you speak of her having been with that was in Slavery times? A Yes, sir.

Q What became of Adams? A He went to Kansas I was told.

Q The old Adams belong to? A Belonged to my father.

Q Why didn't he go with your father? A He went away before we were freed.

Q Was he sold? A No, sir, in '62 when the army came down there was a number of our slaves went away and some of them returned and some of them didn't, there is one of them lives up here at Fort Scott.

Q Well, this man Adam that you speak of and Margaret, they were just simply living together under the fashion of slaves at that time?

A Yes, sir.

Q No marriage about it? A No, sir.

Q They were separated from each other by the exigencies of war?

A Yes, sir.

Q You never heard of Adam afterwards? A Yes, sir, I have heard of him.

Q You never seen him? A No, sir.

Q Do you know how Robert came down to Texas? A Yes, sir, I know how he came to Hopkins County, he came with Dan Tittles and Jim.

Q Do you know whether the Pin Indians ever got him or not? A No, sir.

Q Did you ever hear? A No, sir, I heard Dan Tittles bought him and took him to Texas; the Pin Indians didn't come that way.

Q Do you know whether he was ever captured from the Pin Indians by anybody? A Never heard of it.

Q All you know about Robert Webster is that he came to Texas?

A No, sir.

Q Mr. Gunter, your mother was a Cherokee by blood? A Yes, sir.

Q And you say she was brought up in the Cherokee Nation?

A Yes, sir, she was born and raised in the Cherokee Nation.

Q Was she in the Cherokee Nation when she married? A Married just across the line.

Q Living in the Cherokee Nation when she married? A Yes, sir.

Q And when she married your father went across the line of Arkansas to live? A Yes, sir.

Q During the time of the war did she claim to be a Cherokee Indian?

A Yes, sir.

Q Draw money? A Draw money in '53 I believe it was.

Q What money was that? A Old settler money.

Q Did she exercise any other rights or did any of your family before the war? A No, sir.

Q You didn't live in the Cherokee Nation? A No, sir, never except her mother and brothers and sisters, none of our immediate family.

Q But in the year 1830 she was formally admitted by an Act of the Council? A Yes, sir, Court created by the Council.

Q Mr. Gunter, can you state whether there were many or few of these Acts of Admission? A Admitting people to citizenship?

Q Yes? A Yes, sir, there were a great many.

Q They were applied for in favor of persons living in the Nation and claiming to be citizens? A Yes, living out and wanted to return, that is, had been citizens at one time and moved out and forfeited their citizenship; they applied to the Council for readmission. My mother being residing in the Territory and going out she forfeited her citizenship.

Q That is she stated she had forfeited it, you don't know whether she forfeited or not? A That is her understanding.

MR. DAVENPORT: What brought up the question of their applying to the Council, Mr. Gunter, if you know? A It was the understanding of the laws and constitution of the Cherokee Nation.

Q If they expected to participate in the benefits of the Cherokee Nation, they must be readmitted? A Yes, sir.

Q Your father was not a citizen of the Cherokee Nation?

A No, sir.

MR. NEEDLES: What was your father's property was your mother's?

A I don't know.

Com'r Needles: This testimony will be made part of the case at bar and made part of the record in D.#663, D.#628, D.#691, and D.#680.

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J. O. Rason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rason

Subscribed and sworn to before me this October 19th, 1901.



Commissioner.

RECEIVED
OCT 20 1901
U. S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

File with case of Frank Webber, et al., C.F.-D.#680.

Supl.C.F.-D.#630.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ROBERT WEBBER as a Cherokee Freedman: Introduced on part of the
Cherokee Nation:

APPEARANCES:

Mellette & Smith, Attorneys for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

J. H. TITTLE, being duly sworn by Commissioner Needles,
testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. H. Tittle.

Q What is your post office? A Vinita.

Q How old are you? A 35.

Q Do you know Robert Webber, the applicant in this case?

A Yes, sir.

Q How long have you known him? A Ever since about '63, '62 or '3

Q Did he ever be long to any of your family? A He belonged to
my father.

Q Where did your father live? A He lived in Benton County, Ark-
ansas.

Q Did your father move away from Benton County, Arkansas?

A No, sir.

Q Did they go south during the war any of your family, or do you
know? A My family stayed there, but we went south.

Q Well, what became of Bob during the war, if you know?

A We taken him south.

Q Well, did he come back? A Yes, sir.

Q Where did he go to? A Come up to our place.

Q Where was that? A In Benton County, Arkansas.

Q How long did he stay there with you? A He come there in the
fall of '65 and stayed until the fall of '66.

Q At that time where was your family residing? A In Benton
County, Arkansas.

Q How long had they been residing in Arkansas? A About 15 years.

Q Were they or were they not recognized citizens of the Cherokee
Nation? A Not then, we was outside of the Cherokee Nation then.

Q Well, after the close of the war you say you returned back to
your old home place, in Benton County, Arkansas? A Yes, sir.

Q Did you ever move back to the Cherokee Nation? A Yes, sir.

Q What year did you move back to the Cherokee Nation?

Q Were they recognized citizens of the Cherokee Nation or was there
some action taken to the establishing of right? A We had to es-
tablish a right, my father was admitted and remarried after he came
back to the Cherokee Nation.

Q Was it your father had the Cherokee blood on mother? A Mother.

COM' R NEEDLES: She was readmitted in 1867? A Yes, sir.

MR. DAVENPORT: Did your father marry again? A Yes, sir;
he married and went out and come back and married again.

Q So you mean he was married twice according to the laws of the
Cherokee Nation? A He married and went off and come back and mar-
ried again.

MR. SMITH: Where did your father marry first? A In the
Cherokee Nation.

Q Married according to the Cherokee laws then? A Yes, sir.

Q Now, what year was that? A That was, that would be in '65 I
guess it would be.

Q About what year? A About 55 years ago, I would have to count it

up; it was in '46.

Q He was in this Cherokee Nation, Indian Territory? A Yes, sir.

Q Now, then, when he married he was a citizen? A Yes, sir.

Q How long did he continue to live in the Cherokee Nation?

A He lived there when I was about five years old; let's see, married in '46, that would be, I think we left there in '52.

Q Where did you go? A First went to Texas and stayed there a while and came back to the Cherokee Nation and stayed until after the old Settler payment and went to Arkansas; we drew money in the old settler payment.

Q Your family all drew money in the old Settler's payment?

A Yes, sir.

Q In what year was that? A I think that was in '52; '1 or '2.

Q How long after that was it before you went into Arkansas?

A Right away after that.

Q How many years? A Oh, I guess probably inside of a year or such matter.

Q Where did you live in Arkansas? A Benton County.

Q How far from the line? A What line, Arkansas line or Missouri line.

Q The Cherokee Nation line? A It was about ten miles from Cherokee line and three miles from Missouri line.

Q What was your father's name? A Dan Tittle.

Q Who did your father get this man from? A Fellow by the name of John Grinnett.

Q When did he get him? A About '62.

Q Where did he get him from? A Down here about Mayesville.

Q Who is Grinnett? A He is said to be the owner of Rob, who he bought him from.

Q Where did Grinnett live? A He lived down there in the Nation somewhere.

Q He was a Cherokee, Grinnett was? A I don't know whether he was or not.

Q Did you ever know Grinnetts? A No, sir.

Q Well, do you know what date it was that he bought this man?

A I think it was in '62, I think.

Q It was after the war had commenced? A Yes, sir.

Q It might have been in '63? A It was in '62. somewhere along there as well as I remember about it.

Q You think it could not have been as late as 1864? A No, for we had him before he was bought, and we kept him there and went down on the Arkansas river and come back there and found Grinnett and bought him.

Q It was either in '62 or '3 your father bought him? A Yes, sir.

Q He had been captured and taken there? A Yes, sir, went down there and come back and he bought him.

Q Do you know who he had been captured from? A Only what he said; he said he belonged to a man and a woman, he belonged to Mrs. Webber, and Mrs. Grinnett was a daughter of Mrs. Webber.

Q What was Webber's name? A I don't know.

Q Did you ever know an Akby Webber? A No, sir.

Q Akby Webber was a citizen of the Cherokee Nation when the war came up? A I don't know.

Q Now, you claim that your father owned this man in '62 or '63?

A Yes, sir.

Q Where did he own him? A Benton County, Arkansas.

Q Who lived near him when he owned him? A In the settlement there?

Q Yes. A The nearest fellow in the neighborhood was a man by the name of Wells, and Thomas.

Q Are they living there now? A I guess they are all dead now.

Q Does anybody but you know that your father owned this man?

A Yes, sir.

Q Who? A Will Thompson, living at Bentonville, Arkansas, and

Bph Thompson that lived on Butler's creek where I lived, he is living there yet.

Q How long do you claim this man Robert Webber was with your father from the time you say your father bought him? A He must have been with him including the time we left, three or four years.

Q What time you say he left your father? A He left him in the fall of '66.

Q Well, it was a man named Grimmett that your father undertook to buy him from? A That is the man he bought him from.

Q After the man had been captured and taken out of the Indian Territory? A Yes, sir.

Q And you don't know what right Grimmett had for selling if he had any? A No, sir, claimed he sold him.

COM'R NEEDLES: As I understand your father before that was a citizen of the Cherokee Nation? A Yes, sir.

Q And when did he come back to the Cherokee Nation?

A He come back in '67.

Q And was re-admitted? A Yes, sir.

Q And this darkey was not with him then? A No, sir.

MR. SMITH: Now, Mr. Little, you lived in Arkansas after you went out after the old settler payment; what property did your father have back in the Cherokee Nation? A He didn't have any when he lived there; he killed a man and they kept hunting him.

COM'R NEEDLES: He refused over there? A Yes, sir, he stood his trial and come clear.

Q Where did he stand his trial? A Right on the line right close to High Case at that time.

Q In the Cherokee Nation? A In the State.

Q He killed a man in the State? A Killed an Indian in the State and tried him right at the place he killed him.

Q When he killed the Indian he was living in the Cherokee Nation?

A No, sir, he was living in the State, right within a quarter of where he killed him; but he had been born in the Nation.

MR. SMITH: What Court did they try him in in the State of Arkansas? A Arkansas Court.

Q What Court? A Courts from Bentonville come down there and tried him.

Q Tried him in Bentonville? A No, sir.

Q They had to have a Court there? A I don't know, they tried him at Cal Gunter's right on the edge of Lindsey's prairie.

Q It is the regular Circuit Court in Benton County, Arkansas, tried him? A I could not tell you, they came there and tried him.

Q What did they try him in? A Tried him in Cal Gunter's house.

Q You don't claim that it was a court of the State of Arkansas?

A Yes, sir.

Q Come down to Cal Gunter's house? A Yes, sir.

Q They were very accommodating at that time?

A I can't tell you anything about that, that was where he was tried.

Q Well, now, during all that time he claimed to be a citizen of the Cherokee Nation? A He was not at that time was tried because he was living in the State of Arkansas.

Q That didn't keep him from being a citizen because he was not living in the Cherokee Nation? A He was not a citizen at that time.

MR. DAVENPORT: This was a trial before a Justice of the Peace? A I don't know, they had a trial and he come clear I was a small boy, about five years old, there was about three hundred men with him and the Indians had gathered five or six hundred with them, and he was tried right there at the line.

COM'R NEEDLES: This will be made part of the record in the case at bar, and also D-626, D-663, D-661, D-660.

J. O. Rosen, being first duly sworn, states that he stenog-
rapher to the Commission to the Five Civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
 foregoing is a true and complete transcript of his stenographic
 notes thereof.

J. O. Rosen

Subscribed and sworn to before me this November 5th, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T. July 14, 1904.

In the matter of the application of Frank Webber for the enrollment of himself, his wife, Susie, and children, Julia and Samuel Webber, as Cherokee Freedmen.

SUPPLEMENTAL TESTIMONY.

ISAAC WHITMIRE, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Isaac Whitmire.
Q How old are you? A 34, the 10th of January.
Q What is your post office? A Hayden.
Q You are a Cherokee Freedman are you? A Yes sir.
Q Are you married? A Yes sir.
Q Have you married since you were enrolled? A Yes sir.
Q What is your wife named? A Susie.
Q What was her name before you married her? A Susie Webber.
Q Was she formerly the wife of Frank Webber? A Yes sir.
Q When did they separate? A He died the 13th day of June, 1901.
Q I think I have it right, I am not positive.
Q When were you and Susie married? A 21st day of April, 1903.
Q Are you and she living together now? A Yes sir.
Q She is living is she? A Yes sir.

Mary B. Rissner, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case and that the foregoing is a true and correct transcript of her stenographic notes therein.

Subscribed and sworn to before me
this 15th day of July, 1904.

MEB

Mary B. Rissner
J. Rissner
Notary Public.

Cher Fr D 681

Cher Fr D 681

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHULSEA, I.T., JUNE 11th, 1901.

In the matter of the application of Permellia Rowe for the enrollment of herself and three children as Cherokee Freedmen; said Rowe being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith, for Applicants.
Mr. J. S. Davenport, for Cherokee Nation.

- Q What is your name? A Permellia Rowe.
Q How old are you? A I am about 58 or 59 as near as I can guess.
Q What is your post office? A Ketchum, I. T.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A I got three children. (Hands COM'r paper.)
Q Your first named Nancy? A Yes, sir.
Q Is she 16 years old? A Yd, sir.
Q What is the next one named? Salina.
Q How old is Salina, about 14? A Yes, sir.
Q What is the next one named? A Colis.
Q Is that a boy or girl? A Boy.
Q How old is Colis, about 12? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Yes, sir, it ought to be on the Wallace Roll and Kerna-Clifton roll.
Q Is not on the 1880 roll? A No, sir, my father's is on the 1880 roll.
Q What is your father's name? A Colis Jones.
Q Is he living? A No, sir, he is dead.
Q What was your mother's name? A Phillis.
Q Phillis Jones? A Went by the name of Phillis Mayfield.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Jesse Rowe.
Q Is he living? A Yes, sir.
Q Is he a citizen? A Yes, sir.
Q You don't apply for him? A No, sir, he belonged to the Cherokees.
Q Were you ever married before? A No, sir.
Q Jesse Rowe your first husband? A Yes, sir.
Q Is he the father of these three children? A Yes, sir, father of all my children.
Q Where were these children born? A Born in Texas.
Q Were you married in Texas? A Yes, sir.
Q To Jesse Rowe? A Yes, sir.

BY MR. SMITH:

- Q How old are you, did you say? A I am about 58 or 59.
Q Were you born a slave? A Yes, sir.
Q Whose slave were you? A Sallie Mayfield.
Q Was she a Cherokee? A Yes, sir.
Q Live in the Cherokee Nation? A Yes, sir.
Q Citizen of the Cherokee Nation here? A Yes, sir.
Q Where were you during the Civil war? A I was in Texas, they carried me from here to Texas, my father's owners.
Q When did they carry you to Texas? A They carried me out when I was small.
Q Who was that man, the Mayfields? A Yes, sir, Sallie Mayfield and Jess Mayfield, her husband.
Q How long did you, had you been down in Texas when the war was-

Permelia Rowe, et al.--2.

menaced? A I don't know, sir, I have no knowledge of how long I had been there.

Q Where did this Callie Mayfield live before she went to Texas, what part of the Cherokee Nation? A She lived in Flint district.

Q Was she married? A Yes, sir.

Q Who was her husband? A Jess Mayfield.

Q How old were you when they took you to Texas? A I don't have any knowledge how old I was, I was small.

Q Well, do you know or have any knowledge of how long you stayed in Texas? A Yes, sir, been in Texas all the time until in '66, I come; my Mistress taught me my father was living and for me to come and hunt him up and I come in '66 and hunted him up.

Q Where did you go in 1866 to the Cherokee Nation? A Yes, sir.

Q What part of the Cherokee Nation? A Down here to Sequoyah.

Q How long did you stay down in Sequoyah? A I stayed down there about two or three weeks and there was such a trouble, killing, and me being in a growing condition and I turned and come back before I found my father and just wrote him to ~~make~~ let him know I had been on the hunt of him.

Q And where did you go? A I went to Texas to my husband.

Q Then when did you; how long did you stay in Texas?

A I stayed there all the time until about 12 or 13 years ago I moved and settled down.

Q Were you married in 1866? A Yes, sir, I was married.

Q Who were you married to? A Jesse Rowe.

Q Your present husband? A Yes, sir, ain't been married but once. He was a Missionary and he pledged himself to serve he long in the Missouri field and when I come out and I would not agree to leave him and come back; I just wrote to my father and he started me a claim.

Q Now, then, Sallie Mayfield, when she went to Texas before the war, had she abandoned the Cherokee Nation; did she sell out up here? A No, sir, she hadn't sold out; so they told us, I was just going by what I heard.

Q You know where they lived when they lived in the Cherokee Nation here? A I heard them say they lived in Sequoyah District, in Flint District.

Q Did you have any recollect yourself of the place where you lived before you went to Texas? A No, sir, I was too ~~small~~ small.

Q How, your husband, Jesse Rowe, was he a slave? A Yes, sir.

Q ~~Did you know him~~ Did you know him before the war? A I knowed him in the time of the war.

Q Whom did he belong to? A George starr

Q Was George starr an Indian? A Yes, sir.

Q Where is your husband, Jesse? A I don't know whether he is on the ground or not; he was t alking about going off a ~~piece~~ piece to-day, I don't know whether he went off or not.

Q Have you any children? A Yes, sir.

Q Are they of age or younger? A Yes, sir, I got three hears of age.

Q Are they all Jesse Rowe's children? A Yes, sir, every one of them Jesse Rowe's children.

Q Where were you and Jesse Rowe married? A In the State of Texas

Q Have all these children been born to you since you have been married to Jesse Rowe? A Yes, sir.

Q When did you last see your Mistress, old Mistress?

A She has been dead; I seed her the same her I came out here she was in Texas.

Q Did you ever see her after you went back to Texas?

A When she went ~~down~~ down?

Q I mean now; when did you mean that you saw her, before you came out here the last time or first time? The last time; my child-
ren, washed clothes for her.

Q When did you last see her husband? A Old Jess Mayfield, well he has been dead a ~~long~~ too long to talk about; too long to me to

Permellia Rowe, et al.--3.

recollect, it has been a long time, I wasn't grown good when he died.

Q Where did this George Starr who owned Jesse, where did he live?
A I think he lived in Flint.

Q Have you ever seen him or know of his people since you came back to the Cherokee Nation? A No, sir, none but his daughter Mary.

Q What is her name now? A Mary Bell.

Q Is she the wife of Hookey Bell? A Yes, sir.

Q Was she the one that owned your wife, Jesse? A Yes, sir, her father.

Q Well, have you any witnesses here. A Yes, sir.

Q Who? A Brother Jack Jones and Lura McNair and Peter Williams and Charles Mayfield.

BY COUNSEL NEEDLES:

Q Now, Mrs. Rowe, you say you were taken to Texas when you were a child? A Yes, sir.

Q By Mrs. Mayfield, your Mistress? A Yes, sir.

Q Did they live in Texas all the time you did, your owners?

A Yes, sir.

Q Did they ever come back to the Cherokee Nation? A Yes, sir,

passed back to my knowledge once or twice as far as I can recollect.

Q You say that 12 or 13 years ago you come up here to hunt up your father? A Yes, sir.

Q You had been married? A No, I come in '66 on the hunt of my father.

Q You were married then? A Yes, sir.

Q And had children? A Yes, sir.

Q Did you bring your family with you when you come up?

A No, sir.

Q Did you find your father? A No, sir.

Q Then you went back to Texas? A Yes, sir.

Q And when did you bring your children here with you and your family, 12 or 13 years ago? A Yes, sir.

Q And you have been living here ever since that? A Yes, sir.

Q When did your husband go back to Texas? A Since he has been back here?

Q No, when he originally first went? A He was small himself.

Q And you found him down there and married him? A Yes, sir.

Q So you actually never lived yourself in the Cherokee Nation until 12 or 13 years ago? A No, sir.

Q You come up in 1866 ~~and then~~ to find your father? A Yes, sir, I just wrote to my father to find me a claim and I send my children back and they worked it.

Q But you didn't find your father? A No, sir.

Q Were your owners in Texas all the time you were? A Yes, sir.

Q Did you live there on a plantation? A Yes, sir.

Q Citizen of Texas? A Yes, sir.

BY MR. DAVENPORT:

Q They went there about 1847? A Yes, sir I can't tell that.

Q They were living there when the war broke out?

A Yes, sir.

Q You and Jess were both there at that time? A Yes, sir, crowded up near about the same age.

BY COUNSEL NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation?

A Yes, sir, it is on the Kern-Clifton roll.

Q Did you draw money at that time? No, sir, it ought to be on the Wallace roll.

Permellia Rowe, et al.--4/

- Q Ye never drew any money upon any roll? A No, sir.
Q For yourself or any of your children? A No, sir; my father is on the '80 roll.
Q Did you apply to the Cherokee authorities to be enrolled as a Cherokee Freedman? A Yes, sir, this makes three times I have been before the Court.
Q Did you ever apply at Tahlequah before the Court down there?
A No, sir.
Q You were before the Wallace Court and the Kern Court and this Court? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant name not found thereon.

The Kern-Clifton and Wallace Rolls of Freedmen of the Cherokee Nation examined and applicants names not found thereon.

PETER WILLIAMS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

BY MR. SMITH:

- Q State your name. A Peter Williams.
Q How old are you? A I may not give in my age exactly but I am about 80.
Q Do you know Permellia Rowe, this applicant here?
A I saw her in Fort Gibson, worked on a wagon at Fort Gibson, I am a blacksmith, in '66.
Q Well, who was with her? A I presume it was her man, that is the first time I seen them.
Q Did you know her before the war? A No, sir, I didn't know her before the war.
Q Did you know the Mayfields, Sallie Mayfield and Jess Mayfield?
A No, I didn't know them.
Q Do you know Jesse Rowe, the husband of Permellia? A Yes, sir, I know him; he is the one that come to my shop with his wagon.
Q Do you know anything about who Jesse Rowe belonged to, or if he was a slave before the war? A Well I don't know it, sir, exactly no more than the rolls.
Q You didn't know him before the war? A No, I have seen him passing but I didn't know exactly on the rolls.
Q Do you know Jesse Rowe now? A Yes, sir.
Q What is he, a Preacher? A Minister, has been for quite a while. BY COM'R NEEDLES:
Q You say Jesse Rowe you say in 1866? A Yes, sir.
Q Was his wife with him? A His wife was with him; but just I don't know; well I don't know exactly it was his was wife, but I saw them both, together they was up to my blacksmith shop.
Q In Fort Gibson? A Yes, sir.

JACK JONES, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

- Q State your name? A Jack Jones.
Q How old are you? A 29
Q Do you know Permellia Rowe? A Yes, sir.
Q Do you know her husband, Jesse Rowe? A Yes, sir.
Q What do you know about this case, this application?
A This is my sister.
Q Permellia is your sister? A Yes, sir.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Are you on any of the rolls? A Yes, sir.
Q What rolls? A 1880 roll.

Pernellia Rowe, et al.--8.

- Q Were you a slave? A No, sir.
Q Who was your father? A Collis Jones.
Q Who was your mother? A Eliza Jones.
Q Were they slaves? A Yes, sir.
Q When did they belong to? A My father belonged to Judge Adair and my mother belonged to Duffington.
Q Well, who was Pernellia's father? A Cal is Jones.
Q Who was her mother? A I don't know her mother.
Q Has a difference mother from you? A Yes, sir.
Q Then she is your half sister? A Yes, sir.
Q How old did you say you were? A 29 years old.

BY COM'R NEEDLES:

- Q When did you first see her? A 1892
Q When she came from Texas? A Yes, sir.
Q You never saw her in Texas? A No, sir.

CHARLES MAYFIELD, being sworn and examined by Commissioner.
T. B. Needles, testified as follows: BY MR. SMITH:

- Q What is your name? A Charles Mayfield.
Q Where do you live? A On Grand river.
Q How old are you? A About eighty odd, about 86 or 7.
Q Were you a slave during the war? A Yes, sir.
Q Who did you belong to? A Mayfield.
Q Which Mayfield? A Walker Mayfield.
Q Did you know this applicant, Pernellia Rowe, this woman?
A Well, I wasn't well acquainted with her, she lived in Texas and I think we all belonged to the same connection of white people.
Q What relation was her owner to your owner?
A I think she was Walker Mayfield's sister.
Q What were the owners of Pernellia, what were their names?
A Let's see, just ask her.
Q Would you know the names if you were to hear it? A Yes, sir.
Q Was it Sallie? A Yes, sir.
Q And Jesse? A Yes, sir.
Q Do you know what relation they were to the Mayfields that owner her? A They were cousins; her Max Mistress, Walker Mayfield was her sister.
Q Have you any recollection when her owners went to Texas, Jesse and Sallie? A No, sir.
Q Did you know them yourself in the Cherokee? A No, sir, not since they returned.
Q I mean did you ever know Jesse and Sallie Mayfield?
A Oh, yes, sir.
Q Where did they live; did they ever live in the Cherokee Nation?
A Yes, sir.
Q Where? A In Flint District, or Going Snake.
Q Have you any recollection of the place where they lived?
A No, sir, not exactly; but it was in Flint; almost all her folks lived huddled up close together.
Q Well, did you ever see this Pernellia Mayfield in the Cherokee after the war and before she was taken to Texas? A I don't know.
Q When did you first see her in the Cherokee Nation; when did you first know her at all? A I first saw her at Fort Gibson in '66; when she was came home.
Q Well, after that when did you see her? A When she came home to her father I saw her again up here not very far above him where I live now.
Q That is a long time after 1866? A Yes, sir.
Q Do you know when her father got back or was he out during the war? A Yes, sir, I am not able to say; he was preaching around here.

Permelia Rowe, et al.--6.

very old man, I don't know when he returned; I don't know if he went out or not, but he is a citizen here I guess.

Q Do you know Jesse Rowe, the husband of Permelia? A Yes, sir, well.

Q How long have you known him? A For the last 30 years.

Q Do you know what his occupation is? A Baptist preacher.

Q Do you know what Jesse belongs to; does he belong to any Conference or Mission, what do you have in the Baptist Church?

A We have a sort of Conference, he belongs to it.

Q Do you know how long he has been a regular preacher?

A I don't know, he preached in Texas and been preaching out here; they sent him off from here and back to Texas.

Q Do your preacher's have any permanent home or not; what do you call it, Missionary? A He has got a home.

Q Where does he live? A Grand river.

By MR. DAVENPORT:

Q You never knew this woman or her parents either before the war broke out, did you? A No, sir.

Q You don't know where they were living? A No, sir.

Q You don't know where her folks were living except that they were living in that locality? A They were living in Texas.

Q Now, when you saw this woman in '66 at Gibson, who was with her, was her husband with her? A No, sir, there was another man with her.

Q You don't know when she came back to the Cherokee Nation?

A No, sir.

Q You knew it was several years? A Yes, sr.

Q About ten or 12 years ago? A Yes, sir.

COLUMBUS McNAIR, being sworn by Com issioner T. B. Needles, testified as follows: COM

BY MR. SMITH:

Q State your name? A Columbus McNair.

Q How old are you? A 51 years of age.

Q Where do you live? A I live at Vinita.

Q Do you know this applican, Permelia Rowe? A Yes, sir.

Q How long have you known her? A Oh, I have knowed her I guess ever since the war.

Q When did you first see her after the war? A Oh, I the first time I saw her after the war was when she come up on Grand river.

Q Do you know her husband, Jesse Rowe? A Yes, sir.

Q Did you know him before the war or afterwards?

A I knew hi at the time of the war.

Q When did you first see him in the Cherokee Nation after the war?

A When he first come up on Grand river.

Q How long after the war? A I do not remember how long, it has been about 14 or 15 years, I guess; as near as I could guess at it.

Q Did you know when he belonged to before the war? A Yes, sir.

Q To whom did he belong? A George Starr.

Q Was George Starr an Indian? A Yes, sir.

Q Cherokee Indian? A Yes, sir.

Q Where did he live before the war? A When I got acquainted with him he was living in Texas.

Q Did you ever know George Starr to live in the Cherokee Nation,

or did he ever live in the Cherokee Nation? A I have knowed him

to live in the Cherokee Nation since the war.

Q How long had George Starr been in the State of Texas when the war come up? A I am not able to tell you.

Q Did you see him in Texas before the war?

A No, sir.

Permelia Rowe, et al.--7.

Q Do you know where George Starr was when the war commenced?

A No, sir.

Q Do you know where Jesse Rowe was when the war commenced?

A No, sir.

PERMELIA ROWE, the applicant, recalled: BY COM'R NEEDLES:

Q Mrs. Rowe, was your husband with you when you came in 1865?

A No, sir. I was with another man partly slipped off from my husband, he was out preaching in Texas.

Q You say your owners name was Jess Mayfield? A Yes, sir.

Q Have they returned to the Cherokee Nation?

A My old Master didn't he died in Texas.

Q Has Gallie returned? A She died.

Q Where did she die? A It got out in the papers, I don't know where she died.

Q You don't know whether she was ever readmitted to Cherokee citizenship? A No, sir.

Q You don't know anything about that? A No, sir.

Q Did Gallie have any children, Gallie Mayfield?

A Yes, sir.

Q Did they ever come back? A Some of them come back.

Q And some of them did not? A Yes, sir, they would come here and go back.

Q You knew your old Master down in Texas didn't you?

A Yes, sir.

Q He had a farm down there? A Yes, sir.

Q Did he ever hold any office down there among those peop o'?

A No, sir, not as I know of.

Q Well, at the time your husband was preaching over the country he had a home with you in Texas? A Yes, sir, we just rented white folks' land.

Q Lived there? A Yes, sir, but my husband come back here, I think they said in '67.

Q Did he bring you with him? A No, sir.

Q He come up here preaching? A Yes, sir.

Q And went back to Texas? A Yes, sir.

BY MR. DAVENPORT:

Q You and your family moved about ten or twelve years ago to the Nation, wasn't Gallie Mayfield living in and near Overton in Texas when you and your family came from Texas; wasn't she living in or near Overton, in the State of Texas? A She come from here and went to Overton.

Q Wasn't she living there? A Yes, sir, she come back here.

Q Wasn't that her home and wasn't her children living there?

A I told you as near as I can, she come here in the spring and in the fall she would go back to Texas; that is the way she done.

BY COM'R NEEDLES:

Q You never drew any money for any of the children did you?

A No, sir.

Q Nor yourself either? A No, sir.

COM'R NEEDLES: Permelia Rowe applies for the enrollment of herself and her three children, to-wit: Nancy, Salina and Celist. Their names do not appear upon any of the rolls of the Cherokee Nation now in the possession of the Commission, after a thorough examination and they cannot be found thereon. She avers that she was a slave of Gallie and Jess Mayfield, who removed with her to the State of Texas, when she was a child and she grew up in the State of Texas, and married here to one Jesse Rowe, who claims to be

Pernellia Rowe, et al.--3.

Cherokee Freedman. She avers that in 1866 she came to the Cherokee Nation in search of her father, leaving her family at home and returned. She avers that her said children were all born in the State of Texas and that she returned with her family 12 or 13 years ago, and has been living in the Cherokee Nation ever since. The testimony fails to show that the applicant returned in the year 1866 with her family and that although she herself came into the Cherokee Nation in 1866 for a short time and returned to Texas, the testimony fails to show that said return was in accordance with the spirit or either the in letter of the provisions of the treaty of 1866 permitting Cherokee Freedmen who return within the time specified to become citizens of the Cherokee Nation, but under the circumstances the said Pernellia Rowe and her three children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card, because of the fact that the testimony in her case has not all been presented, by her attorney asserting that he has three witnesses that he desires to introduce. The final decision of the Commission will be made known to the applicant at her post office address.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 24th day of June, 1901.

[Signature]

Commissioner.

To be filed with the case of *Isabella Ross, S. F. B. 681.*

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Wash., D. C. June 20th 1901.

Bellevue & Smith for the applicants.
Jas. Stewart for the Cherokee Nation.

In the matter of the application of *James Ross* for the enrollment of himself and four grand children as Cherokee freedmen, he being sworn by Commissioner T. B. Hoodlin, testified as follows:

- Q What is your name? A. James Ross.
Q What is your age? A. I think 58 or 59.
Q What is your post office address? A. Ketchikan.
Q In what district do you live? A. Bodawent.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you want to have enrolled? A. Myself and four grand children.
Q What are their names? A. Albert Seals.
Q How old is that? A. 18 years.
Q Next? A. Alberta Seals.
Q How old? A. 16 years.
Q Next? A. Pearl Seals.
Q How old? A. 14 years.
Q Next? A. Clifford Seals.
Q How old? A. 12 years.
Q Who is the father of these children? A. James Seals.
Q Is he alive? A. I don't know.
Q What was their mother? A. Lizzie Seals.
Q Is she alive? A. No sir.
Q Where are these children now? A. Living with me.
Q You have them in your possession now? A. Yes.
Q You say you are the grandfather of them? A. Yes sir, they are my daughter's children.
(By Smith)
Q How long have you lived at Ketchikan? A. 8 or 10 years.
Q Have you lived there all that time or have you been out now? A. I visited in Texas once.
Q What is your occupation? A. Minister.
Q How long have you been a minister? A. 33 years.
Q What church do you belong to? A. The Missionary Baptist.
Q Where were you born? A. Canadian district, Cherokee Nation on Grand river.
Q Were you a slave? A. Yes sir.
Q Who did you belong to? A. Dick or Dave Ross.
Q Was he a Cherokee Indian? A. Yes sir.
Q Where did he live? A. On Spring Creek in Canadian district, so they tell me.
Q Where were you when the civil war commenced? A. In Texas.
Q Who took you there? A. My master at that time was George Starr.
Q Was he an Indian? A. Yes sir.
Q Where did he take you from? A. Flint district, I am told.
Q Had he ever lived in the Cherokee Nation himself? A. Yes sir.
Q How old were you when you were taken to Texas? A. Quite a young boy, I don't know how old I was.
Q What became of George Starr? A. Died.
Q Where did he die? A. In the Cherokee Nation.
Q He came back here did he? A. Yes sir.
Q Was he a citizen here when he died? A. Yes sir.
Q You were a child when you were taken away? A. Yes sir.
Q When did you first come here after the war? A. In the winter of '67.
Q What time of the winter? A. January, I left there Christmas and got here after Christmas.
Q Where did you come to? A. I suppose it was Fort Gibson, but I don't really know where I first came to.
Q How long did you stay there? A. Just a short time.
Q About how long? A. Somewhere between six weeks and two months.

Q What age were you then? A. 17 or 18 years old, my master told me in '82 as best I can recollect that I was 14 years old then.

Q Where did you go after that? A. Home, went home in March.

(By the Commission)

Q What do you mean by HOME? A. To my master's in Texas.

(By Smith)

Q Your master had not returned then? A. No sir.

Q When did he return? A. In the winter or fall of '87 or '88.

Q When did you come here next? A. In '90.

Q When did you get married? A. In '88 that is how I came to know my age, my master made fun of me and told me I wasn't but 14 years old and too young to marry.

Q How old was you when you commenced preaching? A. 18 or 20, just after the war I commenced to preach, I reckon you would call it preaching: time of the war I was out to services and learned to pray and talk and the people then called it preaching.

Q How long did you stay here when you came the second time? A. Just a little while.

Q What did you do when you were here? A. I stayed here just this side of Fort Smith in Sequoyah district knocking around there and then went back to Texas.

Q When did you ever come back to the Cherokee Nation after that? A. The next time must have been in '90 or '91 I brought my children out here, my father in law was in Sequoyah and I brought my children out here then.

Q Where was your wife up to '91? A. In Texas with me sir.

Q Are you still preaching? A. Yes sir.

Q How do you preach, in other words, in what places? A. I have three churches.

Q Is there any rule or regulation in your church as to how and where you are to preach, or do you go where ever you want to? A. No are called by the voice of the church, the majority of the members govern that.

Q The Methodists have of Conference, what do you have? A. Associations.

Q Is that similar to the Conference of the Methodists? A. Not exactly.

Q What do you have in place of Bishops? A. Missionaries.

Q What are you? A. I was a Missionary when I was in Texas, I am Moderator now.

(By the Commission)

Q You are not called to any particular church now? A. I am the providing officer or Moderator of the churches in this district now.

Q When to become the minister of a church you are called there by the members of that church? A. Yes sir.

Q And not by a general conference? A. No sir.

Q That is the difference between the Methodists and Baptists in selecting their ministers? A. Yes sir.

(By Sawyer)

Applicants not found on any of the Cherokee rolls now in the possession of this Commission.

(By Mr. Savenper)

Q When did your master, George Starr go to Texas? A. I don't know.

Q Was you born before he went there? A. Yes sir I was born before he took me there; my understanding is that my master Dave Rowe was a very wild and reckless man and owed a great deal of money and we got sold off, and George Starr got us and took us to Texas.

Q You were in Texas several years before the war? A. Yes sir.

Q When you brought your family to the Cherokee Nation to live it was in '79 or '80, you brought your children here then? A. Yes sir.

(By the Commission)

Q Have you and your family lived continuously in the Cherokee Nation since that time? A. My children have, I brought my wife here in '90, I kept her with me in Texas up to then.

Q Was you a slave of Dave Rowe first? A. I was born his slave.

Q How did you get into the hands of George Starr? A. For a debt.

Q Are those four children living now? A. Yes sir.

Q Where were they born? A. In Texas.

Q Is their mother living? A. No sir.

Q Did she die in the State of Texas? A. Yes sir.

Q Whenever come here at all? A. Yes sir, I brought her first.
 Q When? A. In '79 or '80.
 Q Was she married then? A. No sir, she married after she went back to Texas.
 Q She lived and died there after marrying? A. Yes sir.
 Q How long have these children been in the Cherokee Nation? A. Ten years old.
 Q You brought them here with you when you brought your wife? A. Yes sir.
 Q How old was Lissie when she came here with you? A. About 14 or 15 years old, she was born in '65.
 Q What year was she married? A. I don't remember.
 Q How old was she when she married? A. I don't remember.
 Q How old was she when she died? A. She died in '90 and she was born in '65 in August.
 Q She was 25 years old when she died? A. Yes sir.
 (By Davenport)
 Q The mother of these children was born in Texas? A. Yes sir.

By Gen'l Needles,

Jesse Rowe applies for himself and four grand children, Adamiah, Alveria, Pearle and Clifford Seal; his name is not found on any of the rolls of the Cherokee Nation nor in the possession of this Commission; he avers that he was a slave of Dick Rowe, who was a Cherokee citizen; he avers that he was taken to Texas by one George Starr, having been turned over to the said Starr by Dick Rowe for a debt. He avers that he returned to the Cherokee Nation in January of '57 and returned to Texas in a few weeks; that he remained in Texas until 1860 or 1862 and then brought his children to the Cherokee Nation and returned again to Texas where he and his wife resided until 1867 at which time he and his wife came to this country to live; he avers that his eldest child was named Lissie, that she was born in the State of Texas, married there to one Paul and died there when she was 25 years of age; that there were born to her the four grandchildren of the applicant now applies for, said children having been born in Texas, but now live with the applicant in the Cherokee Nation. The attorney for the applicant asks that said applicant, Jesse Rowe and his four children applied for, be placed on a doubtful card for further consideration, stating that there may be other testimony taken in connection with this case, and asks that this testimony may be made a part of the application of Parmelia Rowe as Cherokee Freedman & Card 1001. At the present time the Commission cannot see any ground for placing the applicant and his four grand children on a doubtful card even, but it will be done at the request of the attorney for the applicants; therefore the said Jesse Rowe and the four grand children mentioned herein will be listed for enrollment as Cherokee freedmen on a doubtful card and when the final decision is arrived at by the Commission he will be notified by mail.

It is further ordered that a copy of this testimony be filed in the case of Parmelia Rowe, G. F. D. 1001.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 17th of August, 1901.

[Signature]
 (Commissioner)

NOTICE!

IN THE MATTER OF the application of.....Permelia Rowe.....
for enrollment as Cherokee Freedmen:

Case No. F. D. 681

To Permelia Rowe or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 14th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 15th 1901.

In the matter of the application of Parnellia Rowe, C. F. D. 681.

SUPPLEMENTAL TESTIMONY.

Appearances:

James S. Davenport for the Cherokee Nation.
Mellotte & Smith for the applicant.

James M. Bell, being first duly sworn before Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A James M. Bell.

Q How old are you? A 68.

Q Where do you live? A Delaware district, Cherokee Nation.

Q How long have you lived in the Cherokee Nation? A Ever since 1839

Q Have you ever been outside of the Cherokee Nation and if so where?

A My father moved to Texas in '47 to Russ county.

Q When did you return from Texas? A In '52, after his death.

Q Did you know a lady known as Aunt Sallie Mayfield? A Yes sir.

Q Where did she live when you first got acquainted with her? A In the Cherokee Nation.

Q Did she ever live anywhere except in the Cherokee Nation? A She moved to Texas.

Q When did she move to Texas? A In '47.

Q How long did she live in Texas? A She lived there until after the war.

Q Do you know whether or not they owned any slaves? A Yes sir they owned a good many.

Q Do you know the names of any of them? A No sir.

Q Do you know Parnellia Rowe? A No sir.

Q Do you know Jess Rowe? A Yes sir.

Q Where did you know him? A In Texas.

Q Did he have a wife at that time? A I dont know exactly about that.

Q Did you ever know a colored woman that belonged to Aunt Sallie Mayfield named Phillis? A Yes sir I knew old Phillis.

Q Where was she when you knew her? A In Texas, she was cooking there

Q Was that before or after the war? A That was before and after both.

Q Where was Aunt Sallie Mayfield living at the breaking out of the war? A She lived in Texas.

Q Was Phillis and her family there with her at the breaking out of the war? A Yes sir she was.

Q Do you know what year Aunt Sallie Mayfield came back to the Cherokee Nation after the war? A No sir.

Q Who did Jess Rowe belong to? A George Starr.

Q Where did he live at the breaking out of the war? A In Texas, Russ County.

Q When did he go to Texas? A In '47, my father's family went with him.

Q Did he have Jess Rowe with him when he went there? A Yes sir, that is my impression-- he was there and grew up there.

Q Do you know anything about where Jess was at the close of the war? A No sir. I am not certain where he was then.

Q Your father and Mrs. Mayfield and George Starr went to Texas together? A They went the same year.

Q What year was that? A '47.

Q Had they lived in Texas continuously from '47 until the breaking out of the war? A Yes sir.

(By Smith)

Q They claimed to be citizens of this Nation at the breaking out of the war? A No sir they were not citizens. I think they were considered citizens of Texas.

Q What did they claim, I am not asking you for your opinion? Well

they were Cherokees by blood.

Q They had moved from this country? A Yes sir.

Q And they still claimed to be citizens of this country? A No sir, they voted there to my knowledge.

Q How do you know? A They had elections there and they voted.

Q Did you see them vote? A I don't know as I can specify the one they voted, but they voted.

Q How do you know it? A They were recognized as citizens and paid taxes and were old enough, and every one down there who was old enough, voted.

Q You didn't see them vote? A No sir, but I have every reason to believe that they voted.

Q Do you know of your own personal knowledge that they voted in Texas? A I am satisfied that they voted.

Q Do you know it? A Yes sir, as well as I know anything that I didn't see.

Q As well as you know anything that you don't know? A I know many things sometimes that he don't see.

Q You don't know anything that is in favor of these freedmen to you? A If I did and was asked about it I would tell it.

Q Have you ever testified in behalf of a single one of them here? A I have not directly, I have not been called upon.

Q You have been right active in testifying in favor of the Cherokee Nation? As well as my knowledge of the facts goes I have been, and I think I have a right to.

Q You don't really know what these folks did in Texas as to voting or not do you? A I am pretty sure that they voted.

Q You can say if they did or did not?

A I can say they did.

Q Did you see them? A No sir.

Q How do you know them that they voted? A They were citizens there.

Q How do you know that? A They owned property there and were taxed.

Q How do you know that they were taxed? A The assessor went round and taxed everybody.

Q Do you know that George Starr was taxed? A I have every reason to believe that he was.

Q You don't know that Sallie Mayfield was taxed? A I think that they were taxed.

Q You don't know it though? A Well as a man can know it I do.

Q Did they ever come back to the Cherokee Nation? A Yes sir.

Q They were recognized as citizens when they did come back here? A They were re-admitted then.

Q They were recognized then? A Yes sir.

Q You don't know where Jess Rowe was in '66? A No sir.

Q You don't know where Permelia Rowe was in '66? A No sir.

(By Deavenport.)

Q Have any one of these applicants that belonged to your father, or to Sallie Mayfield or to George Starr ever asked you to testify for them? A No sir never have.

Q You would not have failed to obey a subpoena if they had had you subpoenaed to testify, would you? A No sir.

GEORGE STARR, being first duly sworn by Court F. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Deavenport.)

Q What is your name? A George Starr.

Q What is your post office address? A Talliequah.

Q What is your age? A 52.

Q How long have you lived in the Cherokee Nation? A Ever since '68.

Q Where did you live before you came to the Cherokee Nation? A Texas, same county.

Q What was your father's name? A George Starr.
 Q Did you know a lady known as Aunt Sallie Mayfield? A Yes sir.
 Q Where did she live when you first recollect? A In Texas.
 Q Did she own any slaves in Texas? A Yes sir, several.
 Q Do you remember the names of any of them? A Of some of the older ones.
 Q Did they own a woman named Phillis? A Yes sir.
 Q Did she have any children? A Yes sir I think she had some children.
 Q Do you know Jess Rowe? A Yes sir.
 Q Who did he belong to? A To my father.
 Q Do you know if your father had him with him when he went to Texas in '47? A That is before I recollect.
 Q Where was Jess when you could first remember? A He was living there with us in Texas.
 Q Who did Phillis belong to? A To Aunt Sallie Mayfield.
 Q Do you know where Jess Rowe and his family were when the war broke out? A He was living with us when the war broke out.
 Q Where were you living at that time? A Russ County Texas.
 Q You were born in Texas, yourself? A Yes sir.
 Q Have you seen Jess Rowe since he came to this country? A Yes sir.
 Q Do you know him to be the same Jess Rowe that belonged to your father in Texas? A Yes sir the same Jess Rowe.
 Q Have you seen his wife since he came here? A I guess I have I don't know as I know his wife exactly though.
 Q When did you come to the Territory after the war? A In 1868.
 Q Where was Jess Rowe and his family when you moved back? A As far as I know he was in Texas.
 Q Where was he when you started away from Texas? A There.
 Q Where was he when the war closed? A In Texas with us.
 Q When did you first see Jess Rowe in this country? A 10 or 11 years ago.
 Q Did he have his family with him at that time? A I don't know if he had his family or not.
 Q At the breaking out of the war was your father a citizen of the Cherokee Nation? A He was a citizen of the State of Texas I guess.
 Q Were you recognized as citizens of the Nation when you came back?
 Q He had to be re-admitted as a citizen of the Cherokee Nation on his return is my understanding.
 (By Smith)
 Q How many slaves did your father have, Mr. Starr? A 50 or 60.
 Q A good many? A Yes sir.
 Q How old were you when the war closed? A I guess I was 15 or 16 years old.
 Q A Boy? A Yes sir.
 Q Where were you then? A In Texas.
 Q How long did you remain there after the war closed? A We left Texas in the spring of '68.
 Q Were you at home all the time there? A Yes sir, except when I was going to school.
 Q Where did you go to school? A At Sulphur, close to where we lived I went there one or two sessions and part of the time I boarded with Aunt Sallie Mayfield, she lived closer than we did.
 Q Where was Jess Rowe when you were boarding with Aunt Sallie Mayfield? A At home on our farm.
 Q How far was your farm from your Aunt Sallie Mayfield's? A Six or seven miles.
 Q Did you have any special reason for recollecting Jess Rowe during that time, or did you just remember that he was one of your father's slaves? A He was there on the place.
 Q As far as Jess Rowe himself is concerned, can you state from your own knowledge and recollection that he was there all the time during the years '68, '69 and '71? A Not by anything particular, but they

was all there like the other slaves and I thought he was there too.

Q Where was Fannelia Rowe? A She was there.

Q Was that Jess' wife? A I think she was, he married one of Aunt Sallie Mayfield's nigröes.

Q Where had your family gone from to Texas? A Cherokee Nation

Q They were citizens here? A Yes sir.

Q Did they have any property here? A They sold it I understand and went to Texas.

Q Where had your aunt Sallie Mayfield lived before she went to Texas? In the Cherokee Nation I have been told.

Q Did she ever come back? A Yes sir.

Q They were recognized as citizens here? A She lived here a while and then went back to Texas.

Q She was a Cherokee by blood? A Yes sir.

Q Was your father a Cherokee? A Yes sir.

(By the Commission)

Q Where was Jess born? A I dont know, he is older than I am.

Q Was Jess taken to Texas when your father went there? I suppose he was, I dont know, I was born in Texas in '49.

Q You dont know where Jess was born? A No sir.

(By Davenport)

Q When your family returned here were they recognized as citizens of the Cherokee Nation or did they have to be readmitted? A-

BY MR. SMITH: " The applicant's object to the testimony as to the re-admission for the reason that the record would be better evidence.

(By Davenport of witness)

Q You don't know what took place as to their citizenship? A No sir

Q You do know that they moved to Texas before the war and lived there until after the war? A Yes sir.

Q When your father came back here did he have any property here? A No sir.

(By Smith)

Q You were born in Texas? A Yes sir.

Q You are a citizen of the Cherokee Nation now? A Yes sir.

Q By blood? A Yes sir.

Q You came here from the State of Texas? A Yes sir.

(By Davenport)

Q Your understanding is that it was after your return that you were re-admitted? A Yes sir.

(By the Commission)

Q How did you get to be a Cherokee citizen if you were born in Texas?

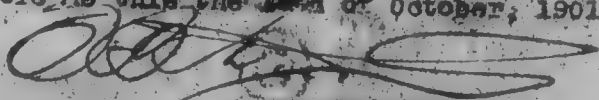
Q After father was re-admitted I suppose the whole family was re-admitted with him.

=====

This will be filed in Cherokee freedmen cases, D-681; D-682; D-683; D-684; D-685; D-728; D-966; D-1016; D-1014; D-1024 and D-1063.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 12th of October, 1901.



Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D. C., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mallett & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitnire, Trustee for the Freedmen, vs The Cherokee Nation, No. 11309 filed in the Mariah Hayden case F. D. 468, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Fennell case, F. D. 461.

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a dependant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove or disprove in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of our people who make application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in such individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the records other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary as desired.

The Commission:

The law provides that the roll of Cherokee Freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) F. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

F. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Permellia Rowe, et al., as Cherokee Freedmen, consolidating the applications of--

Permellia Rowe, et al.,	Cherokee Freedmen D-681, ✓
Jesse Rowe, Jr.,	Cherokee Freedmen D-682, ✓
Arre Ray, et al.,	Cherokee Freedmen D-683, ✓
Mary Wilson, et al.,	Cherokee Freedmen D-684, ✓
Savannah Reese,	Cherokee Freedmen D-685, ✓
Martha Lyons,	Cherokee Freedmen D-728, ✓
Jesse Rowe, et al.,	Cherokee Freedmen D-960, ✓
Joseph Rowe, et al.,	Cherokee Freedmen D-1016. ✓

--:O:--

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Permellia Rowe for herself and her three minor children, Nancy, Salona and Colis Rowe; by Jesse Rowe, Jr., for himself; by Arre Ray for herself and her minor daughter, Ina Ray; by Mary Wilson for herself and her three minor children, Claude, Joseph and Flossie M. Wilson; by Savannah Reese for herself; by Elias Lyons for his wife, Martha Lyons; by Jesse Rowe for himself and his four minor grand-children, Adami, Alverta, Pearley and Clifford Seals, and by Joseph Rowe for himself, his wife, Pollie Rowe, and two minor children, Clarinda, and Osa Rowe; that subsequent to the date of the last-mentioned application a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Loma Rowe. A copy of the testimony taken at different times and places in Cherokee Freedmen D-1014 is filed herewith and made a part of the record in this case.

The evidence in this case shows that Jesse Rowe and Permellia Rowe are husband and wife and that they were at one time the slaves of Cherokee citizens who, prior to the commencement of the rebellion, removed to the State of Texas, taking these two applicants with them and established a residence in said State; that the applicants, Nancy Rowe, Salona Rowe, Colis Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Flossie M. Wilson, Savannah Reese, Martha Lyons, Adami Seals, Alverta Seals, Pearley Seals, Clifford Seals and Joseph Rowe are the children and grand-children of the said Jesse and Permellia Rowe, have been born since the commencement of the rebellion, and take only such rights as may be possessed by the said Jesse Rowe and Permellia Rowe; that the applicants, Clarinda Rowe, Osa Rowe and Loma Rowe, are the minor children of and claim their right to enrollment through their parents the said Joseph Rowe and Pollie Rowe; that the said Pollie Rowe was born since 1866 and is the daughter of and claims her right to enrollment through Judith Chambers.

It further appears from the evidence herein that neither the said Jesse Rowe nor Permellia Rowe returned to and established a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation, and that the said Pollie Rowe is not the descendant of a slave of a Cherokee citizen nor of a free colored person residing in said Nation at the commencement of the rebellion.

It further appears that the names of none of the applicants herein appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Permelia Rowe, Nancy Rowe, Salona Rowe, Colis Rowe, Jesse Rowe, Jr., Arre Ray, Ina Ray, Mary Wilson, Claude Wilson, Joseph Wilson, Flossie M. Wilson, Savannah Reese, Martha Lyons, Jesse Rowe, Adami Seals, Alvetta Seals, Pearley Seals, Clifford Seals, Joseph Rowe, Pollie Rowe, Clarinda Rowe, Osa Rowe and Loma Rowe as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Signed

Tams Bixby,
Chairman.

Signed

T. B. Needles,
Commissioner.

Signed

C. R. Breckinridge,
Commissioner.

Muskogee, Indian Territory,

APR 20 1904

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-681.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Permella Rowe et al., rejecting the applications for the enrollment of Permella, Nancy, Salona, Collis, Jesse, Joseph, Pollie, Clarinda, Osa, Loma and Jesse Rowe Jr., Adami, Alverta, Pearly and Clifford Seals, Martha Lyons, Arre and Ina Ray, Mary, Claude, Joseph and Flossie M. Wilson and Savannah Reese as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Enc. D-197.

Commissioner in Charge.

Cher Fr D 682

Cher Fr D 682

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHULSEA, I.T., JUNE 11th, 1901.

In the matter of the application of Jesse Rowe, Jr., for enrollment as a Cherokee Freedman; said Rowe being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Jesse Rowe, Jr.
Q How old are you? A 28 years old.
Q What is your post office address? A Ketchum.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A No, one.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A No, sir.
Q Never been recognized as a Cherokee Freedman? A No, sir.
Q Where were you born? A State of Texas.
Q What was your mother's name? A Permelia Rowe.
Q Is she the Permelia Rowe who has just applied to be enrolled as a Cherokee Freedman? A Yes, sir.

The Rolls of Cherokee Freedmen in the possession of this Commission examined and applicant's name found on none of them.

- Q You never drew any money from the Cherokee Nation? A No, sir.
Q How long have you lived in the Cherokee Nation? A About ten or twelve years.
Q Come from the state of Texas about ten or twelve years ago with your mother? A Yes, sir.

COM'R NEEDLES: Jesse Rowe applies for the enrollment of himself. He cannot be identified upon any of the rolls of the Cherokee Nation now in the possession of this Commission. He avers that he is the child of Permelia Rowe who has been listed for enrollment as a Cherokee Freedman on doubtful card #381, and the testimony taken in said case will be made part of the record in the case at bar and a copy thereof filed herewith. He will be duly listed for enrollment as a Cherokee Freedman upon a doubtful card and the final decision of the Commission will be made known to him at his post office address.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 25th day of June, 1901.

T. B. Needles

Commissioner.

NOTICE!

IN THE MATTER OF the application of Jesse Rowe Jr.
for enrollment as Cherokee Freedmen:
Case No. F. D. 682

To Jesse Rowe Jr. or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 14th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L. B. Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 15th 1901.

In the matter of the application of Parmelia Rowe, C. F. D. 681.

SUPPLEMENTAL TESTIMONY.

Appearances:

James S. Davenport for the Cherokee Nation.
Mellotte & Smith for the applicant.

James M. Bell, being first duly sworn before Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

- Q What is your name? A James M. Bell.
- Q How old are you? A 68.
- Q Where do you live? A Delaware district, Cherokee Nation.
- Q How long have you lived in the Cherokee Nation? A Ever since 1839.
- Q Have you ever been outside of the Cherokee Nation and if so where?
- A My father moved to Texas in '47 to Russ county.
- Q When did you return from Texas? A In '52, after his death.
- Q Did you know a lady known as Aunt Sallie Mayfield? A Yes sir.
- Q Where did she live when you first got acquainted with her? A In the Cherokee Nation.
- Q Did she ever live anywhere except in the Cherokee Nation? A She moved to Texas.
- Q When did she move to Texas? A In '47.
- Q How long did she live in Texas? A She lived there until after the war.
- Q Do you know whether or not they owned any slaves? A Yes sir they owned a good many.
- Q Do you know the names of any of them? A No sir.
- Q Do you know Parmelia Rowe? A No sir.
- Q Do you know Jesse Rowe? A Yes sir.
- Q Where did you know him? A In Texas.
- Q Did he have a wife at that time? A I dont know exactly about that.
- Q Did you ever know a colored woman that belonged to Aunt Sallie Mayfield named Phillis? A Yes sir I knew old Phillis.
- Q Where was she when you knew her? A In Texas, she was cooking there.
- Q Was that before or after the war? A That was before and after both.
- Q Where was Aunt Sallie Mayfield living at the breaking out of the war? A She lived in Texas.
- Q Was Phillis and her family there with her at the breaking out of the war? A Yes sir she was.
- Q Do you know what year Aunt Sallie Mayfield came back to the Cherokee Nation after the war? A No sir.
- Q Who did Jesse Rowe belong to? A George Starr.
- Q Where did he live at the breaking out of the war? A In Texas, Russ-County.
- Q When did he go to Texas? A In '47, my father's family went with him.
- Q Did he have Jesse Rowe with him when he went there? A Yes sir, that is my impression—he was there and grew up there.
- Q Do you know anything about where Jesse was at the close of the war?
- A No sir, I am not certain where he was then.
- Q Your father and Mrs. Mayfield and George Starr went to Texas together? A They went the same year.
- Q What year was that? A '47.
- Q Had they lived in Texas continuously from '47 until the breaking out of the war? A Yes sir.
- (By Smith)
- Q They claimed to be citizens of this Nation at the breaking out of the war? A No sir they were not citizens, I think they were considered citizens of Texas.
- Q What did they claim, I am not asking you for your opinion? Well

they were Cherokee by blood.

Q They had moved from this country? A Yes sir.

Q And they still claimed to be citizens of this country? A No sir, they voted there to my knowledge.

Q How do you know? A They had elections there and they voted.

Q Did you see them vote? A I don't know as I can specify the line they voted, but they voted.

Q How do you know it? A They were recognized as citizens and paid taxes and were old enough, and every one down there who was old enough, voted.

Q You didn't see them vote? A No sir, but I have every reason to believe that they voted.

Q Do you know of your own personal knowledge that they voted in Texas? A I am satisfied that they voted.

Q Do you know it? A Yes sir as well as I know anything that I didn't see.

Q As well as you know anything that you don't know? A A man knows things sometimes that he don't see.

Q You don't know anything that is in favor of these freedmen do you? A If I did and was asked about it I would tell it.

Q Have you ever testified in behalf of a single one of them here? A I have not directly, I have not been called upon.

Q You have been right active in testifying in favor of the Cherokee Nation? As well as my knowledge of the facts goes I have been, and I think I have a right to.

Q You don't really know what these folks did in Texas as to voting or not do you? A I am pretty sure that they voted.

Q You can say if they did or did not?

A I can say they did.

Q Did you see them? A No sir.

Q How do you know them that they voted? A They were citizens there.

Q How do you know that? A They owned property there and were taxed.

Q How do you know that they were taxed? A The assessor went round and taxes everybody.

Q Do you know that George Starr was taxed? A I have every reason to believe that he was.

Q You don't know that Sallie Mayfield was taxed? A I think that they were taxed.

Q You don't know it though? A Well as a man can know it I do.

Q Did they ever come back to the Cherokee Nation? A Yes sir.

Q They were recognized as citizens when they did come back here? A They were re-admitted then.

Q They were recognized then? A Yes sir.

Q You don't know where Jess Rowe was in '66? A No sir.

Q You don't know where Permelia Rowe was in '66? A No sir.

(By Davenport)

Q Have any one of these applicants that belonged to your father, or to Sallie Mayfield or to George Starr ever asked you to testify for them? A No sir never have.

Q You would not have failed to obey a subpoena if they had had you subpoenaed to testify, would you? A No sir.

ZECK STARR, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Zeck Starr.

Q What is your post office address? A Tahlequah.

Q What is your age? A 52.

Q How long have you lived in the Cherokee Nation? A Ever since '68.

Q Where did you live before you came to the Cherokee Nation? A Texas, Ross county.

Q What was your father's name? A George Starr.
Q Did you know a lady known as Aunt Sallie Mayfield? A Yes sir.
Q Where did she live when you first recollect? A In Texas.
Q Did she own any slaves in Texas? A Yes sir, several.
Q Do you remember the names of any of them? A Of some of the older ones.
Q Did they own a woman named Phillis? A Yes sir.
Q Did she have any children? A Yes sir I think she had some children.
Q Do you know Jess Rowe? A Yes sir.
Q Who did he belong to? A To my father.
Q Do you know if your father had him with him when he went to Texas in '47? A That is before I recollect.
Q Where was Jess when you could first remember? A He was living there with us in Texas.
Q Who did Phillis belong to? A To Aunt Sallie Mayfield.
Q Do you know where Jess Rowe and his family were when the war broke out? A He was living with us when the war broke out.
Q Where were you living at that time? A Ross County Texas.
Q You were born in Texas, yourself? A Yes sir.
Q Have you seen Jess Rowe since he came to this country? A Yes sir.
Q Do you know him to be the same Jess Rowe that belonged to your father in Texas? A Yes sir the same Jess Rowe.
Q Have you seen his wife since he came here? A I guess I have I don't know as I know his wife exactly though.
Q When did you come to the Territory after the war? A In 1868.
Q Where was Jess Rowe and his family when you moved back? A As far as I know he was in Texas.
Q Where was he when you started away from Texas? A There.
Q Where was he when the war closed? A In Texas with us.
Q When did you first see Jess Rowe in this country? A 10 or 11 years ago.
Q Did he have his family with him at that time? A I don't know if he had his family or not.
Q At the breaking out of the war was your father a citizen of the Cherokee Nation? A He was a citizen of the State of Texas I guess.
Q Were you recognized as citizens of the Nation when you came back?
Q He had to be re-admitted as a citizen of the Cherokee Nation on his return is my understanding.
(By Smith)
Q How many slaves did your father have, Mr. Starr? A 50 or 60.
Q A good many? A Yes sir.
Q How old were you when the war closed? A I guess I was 15 or 16 years old.
Q A Boy? A Yes sir.
Q Where were you then? A In Texas.
Q How long did you remain there after the war closed? A He left Texas in the spring of '68.
Q Were you at home all the time there? A Yes sir, except when I was going to school.
Q Where did you go to school? A At Baldpate, close to where we lived I went there one or two sessions and part of the time I boarded with Aunt Sallie Mayfield, she lived closer than we did.
Q Where was Jess Rowe when you were boarding with Aunt Sallie Mayfield? A At home on our farm.
Q How far was your farm from your Aunt Sallie Mayfield's? A Six or seven miles.
Q Did you have any special reason for recollecting Jess Rowe during that time, or did you just remember that he was one of your father's slaves? A He was there on the place.
Q As far as Jess Rowe himself is concerned, can you state from your own knowledge and recollection that he was there all the time during the years '65, '66 and '67? A Not by anything particular, but they

was all there like the other slaves and I thought he was there too.
Q Where was Fannelia Rowe? A She was there.

Q Was that Jess' wife? A I think she was, he married one of Aunt Sallie Mayfield's nigröes.

Q Where had your family gone from to Texas? A Cherokee Nation

Q They were citizens here? A Yes sir.

Q Did they have any property here? A They sold it I understand and went to Texas.

Q Where had your aunt Sallie Mayfield lived before she went to Texas? In the Cherokee Nation I have been told.

Q Did she ever come back? A Yes sir.

Q They were recognized as citizens here? A She lived here a while and then went back to Texas.

Q She was a Cherokee by blood? A Yes sir.

Q Was your father a Cherokee? A Yes sir.

(By the Commission)

Q Where was Jess born? A I dont know, he is older than I am.

Q Was Jess taken to Texas when your father went there? I suppose he was, I dont know, I was born in Texas in '49.

Q You dont know where Jess was born? A No sir.

(By Davenport)

Q When your family returned here were they recognized as citizens of the Cherokee Nation or did they have to be readmitted? A-

BY MR. SMITH: " The applicant's object to the testimony as to the re-admission for the reason that the record would be better evidence.

(By Davenport of witness)

Q You don't know what took place as to their citizenship? A No sir

Q You do know that they moved to Texas before the war and lived there until after the war? A Yes sir.

Q When your father came back here did he have any property here?

A No sir.

(By Smith)

Q You were born in Texas? A Yes sir.

Q You are a citizen of the Cherokee Nation now? A Yes sir.

Q By blood? A Yes sir.

Q You came here from the State of Texas? A Yes sir.

(By Davenport)

Q Your understanding is that it was after your return that you were re-admitted? A Yes sir.

(By the Commission)

Q How did you get to be a Cherokee citizen if you were born in Texas?

Q After father was re-admitted I suppose the whole family was re-admitted with him.

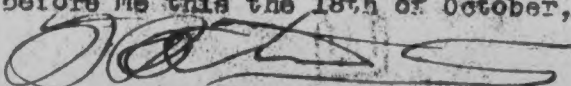
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This will be filed in Cherokee freedmen cases, D-681; D-682; D-683; D-684; D-685; D-728; D-960; D-1016; D-1014; D-1024 and D-1063.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 18th of October, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Hellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Jesse Rowe, D 623;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

9 in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

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OF
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